



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-5/18-PT

Date:

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Date: 24 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

RESPONSE TO LETTER FROM THE CHAMBER

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

M. Radovan Karadžić

IT-95-5/18PT

23. October 2009

Prosecutor v. Radovan Karadžić, Case No. IT-95-5/18-PT

Dear Excellency O-Gon Kwon,

I was greatly honored by your letter and the attention Your Excellency paid to my situation. I don't have any doubts about that the Chamber would protect my rights, provided I have those integral rights on my disposal from the very beginning to the end. If I would not have them, than there would not be anything to be protected.

I am very glad being reminded that "... it is the statutory responsibility of the Chamber to ensure the fair and expeditious conduct of the trial." Fortunately, in all of those innovations in the practice of the Tribunal, this responsibility at least for the fairness has not been assigned to the Prosecution yet, since the speed had been "promised" to me by the Chief Prosecutor at the very beginning.

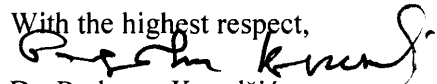
I am sure that it is widely understood that there can not be a fair trial without proper preparations and a full equality of a defence in all of aspects. And so far I only had obstacles instead. From a standpoint of an accused there is nothing more important than a proper preparation and conduct of a defence. In an absence of it, nothing and nobody can protect him and his rights.

Your Excellency, I am not voluntarily or otherwise waiving any of my rights, and I will preserve them till I live. But, if I enter the trial without even one quarter of it being prepared, by that act I would waive all of my rights once and forever. None of a reasonable and decent individuals would do that under any cost. And I do not believe that anyone will expect me to do that. I only can regret the fact that the Trial Chamber did not have a longer and deeper insight in the course of the entire preparation of my defence; Than the Chamber would be aware of the facts that I have spent almost a year in the detention receiving from the Prosecution a mount of irrelevant and chaotic materials. Only since mid of May, i.e. last five months I am receiving a hundreds of thousands pages a month, and I am still to receive an unknown amount of material.

Your Excellency, I am absolutely sure that nobody would lose anything, and nobody would regret about anything if my trial be a fair one. On the other hand, if the defence is not properly prepared and conducted, nothing could make the trial fair, and it would not be expeditious either. Instead of being a model of a fair and expeditious trial, it would be a model of something quit different, which would be now completely disclosed in its nature. And many would regret if we miss the last opportunity to establish the facts. Particularly all of us the participants would not be proud of that.

I would and will never boycott my trial, but if I am not prepared, that would not be a trial at all. I am sure, Your Excellency, that there must be a fair solution.

With the highest respect,


Dr. Radovan Karadžić

Copy: Ms. Hildegard Uertz-Retzlaff, Senior Trial Attorney, the OTP
Mr. Alan Tieger, Senior Trial Attorney, the OTP

Mr. John Hocking, Registrar
Mr. Goran Petronijević, Legal Advisor
Mr. Peter Robinson, Legal Advisor
Mr. Marko Sladojević, Legal Advisor