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International
Criminal Tribunal
for the Former
Yugoslavia

Court
Management and
Support Services
Section

Tribunal Pénal
International pour
l'ex-Yougoslavie

Section des
Services
d'administration et
d'appui judiciaire

D41388

CASE/AFFAIRE NO. IT-95-5/18-T (R. KARADŽIĆ) **DATE** 06 October 2010

FROM/DE RAM DORAISWAMY, COURT OFFICER *Allyea*

TO/A

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<input type="checkbox"/> Trial Chamber I/ Chambre de 1ère instance I	<input type="checkbox"/> Chief of Investigations/ Chef des enquêtes	MR. R. KARADŽIĆ (1)
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<input checked="" type="checkbox"/> Pro Se Legal Liaison Officer/Juriste chargé de la liaison avec l'accusé MS. V. TASEVA		
<input type="checkbox"/> Other/Autre		
<input checked="" type="checkbox"/> Registrar/Deputy Registrar/Greffier/Greffier adjoint MS. T. MAIKOWSKI	<input type="checkbox"/> VWS Coordinator/Coordinateur de la SVT	
<input checked="" type="checkbox"/> Senior Legal Officer/Juriste hors-classe MS. Y. FEATHERSTONE / MS. L. DAVIDSON	<input type="checkbox"/> UNDU Commanding Officer/Commandant du QPNU	
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<input type="checkbox"/> Order/Warrant/Decision issued by Appeals Chamber or Trial Chamber or a Judge on/ Ordonnance/Mandat/Décision émis(e) par la Chambre d'appel ou les Chambres de 1ère instance ou un Juge le ___/___/___
<input type="checkbox"/> Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ___/___/___
<input type="checkbox"/> Motion/Request/Application submitted by Prosecution/Defence Counsel/Accused on/ Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense le ___/___/___
<input checked="" type="checkbox"/> Response/Reply/Brief submitted by Prosecution/Defence Counsel/Accused on/ Réponse/Réplique/Mémoire présenté(e) par l'Accusation/le Conseil de la défense/ l'Accusé le <u>06/10/2010</u>
SECOND <input type="checkbox"/> Decision of the Registrar on/Décision du Greffier le ___/___/___
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IT-95-5/18-T 41387
D41387-D41382 P.k
06 OCTOBER 2010

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

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

Registrar: Mr. John Hocking

Date: 6 October 2010

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

SECOND RESPONSE TO FILING OF
GOVERNMENT OF GERMANY

The Office of the Prosecutor:
Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

Government of Germany

The Accused:
Radovan Karadzic

Government of United Kingdom

General Secretariat of Counsel of
European Union

1. On 29 June 2010, Dr. Radovan Karadzic filed a *Response to Filing of Government of Germany* indicating that he had taken steps to determine whether the response of the government of Germany to the Trial Chamber's *Decision on Accused's Application for Binding Order Pursuant to Rule 54 bis (Federal Republic of Germany)*(19 May 2010) indicating that it did not have possession of the documents required to be produced was accurate.

2. Dr. Karadzic promised to keep the Trial Chamber apprised of the results of these efforts.

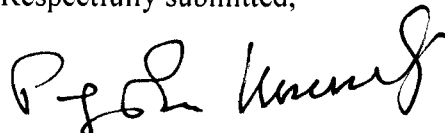
3. Dr. Karadzic attached a letter he had sent to the Government of the United Kingdom requesting that it provide documents reported to be in its possession which could assist the government of Germany in locating the documents. Unfortunately, despite repeated requests, Dr. Karadzic has not yet had a substantive reply from the United Kingdom.

3. Dr. Karadzic has now sent a letter to the General Secretariat of the Council of the European Union requesting its assistance in locating documents which can assist the government of Germany. A copy of that letter is attached.

4. Dr. Karadzic remains unconvinced that the response of the government of Germany that it could locate no documents is accurate and will endeavor to keep the Trial Chamber informed of his efforts to assist that government in locating the relevant documents.

Word count: 1433

Respectfully submitted,



Radovan Karadzic

ANNEX “A”

Dr. Radovan Karadzic
International Criminal Tribunal for the former Yugoslavia
The Hague, Netherlands

06 October 2010

Mr. Pierre de Boisseau
General Secretariat of the Council of the European Union
Rue de la Loi 175
B-1048 Brussels

Dear Mr. Secretary,

I am the former President of Republika Srpska, now on trial at the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague. I am charged with genocide, crimes against humanity, and war crimes stemming from the war in Bosnia during 1991-95.

In preparing my defence to these charges, I am attempting to gather all relevant documents and other material. In that connection, I am writing to request that the Secretariat of the European Union furnish me with copies of the following documents which are necessary for my defence:

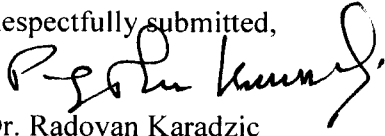
- (1) All memoranda, correspondence, or reports concerning the allegation of involvement of European Union Monitoring Mission Zagreb employee Christoph von Berzold in the provision of arms to the Bosnian Muslim Army in the area of Bihac during 1994 (A copy of an article about this incident is attached for your information).

I had requested information concerning this affair from the government of Germany. They have now responded that they cannot locate any records about it. Therefore, if you can locate any correspondence or communication with the government of Germany on this matter, it would be most helpful if you could provide that to me so that I may assist the German government in locating their documents.

I hereby authorize you to provide this information to my Legal Advisor, Peter Robinson, on my behalf. Mr. Robinson can be contacted by e-mail at peter@peterrobinson.com. You may also feel free to contact Mr. Robinson should you have any questions about this request.

Thank you for your consideration.

Respectfully submitted,


Dr. Radovan Karadzic

Sunday Telegraph, 20 April 1997

German spies accused of arming Bosnian Muslims

By Tim Judah

GERMANY'S espionage service is in turmoil following revelations that spy chiefs ran covert and illegal operations sending arms to Bosnia's Muslims and Croatia during the war in the former Yugoslavia.

The German parliament's secretive Control Commission, which oversees the country's intelligence services, has demanded answers from the country's intelligence chiefs about details of a massive arms trafficking network which broke both German and international law.

For the first time in Britain The Telegraph can reveal details of the charges being laid at the door of the BND, the German spy service. One of the most damaging is that the BND infiltrated the European Union's monitoring missions in former Yugoslavia and used them as cover to run arms and cash to Bosnia's Muslim forces. They have been accused of smuggling munitions hidden in boxes of powdered milk across Serb-held territory to Muslim troops.

The EU monitors were officially supposed to help arrange ceasefires and assist in humanitarian aid work. In fact a large proportion of them, including the British contingent, were spies. The BND's agents, however, crossed the line from espionage into gun-running.

The allegations were first made on the German television programme Monitor, which is similar to the BBC's Panorama. According to Monitor, the key man in the gun-running operation was Christoph von Bezold, head of the 24 German EU monitors in the Croatian capital, Zagreb. In fact Mr von Bezold's employer was BND section 12D, responsible for Balkan affairs.

A former EU monitor said last week: "Money was transported from Zagreb to Bosnia-Herzegovina. There were amounts of up to DM50,000 [then worth \$22,000]. Infantry munitions were also shipped to [Muslim-held] Bihac." Another source said that a German EU monitor carried DM2 million to the beleaguered Bosnian town of Tuzla.

Other former EU monitors claimed that on the March 27, 1994, von Bezold was responsible for a major shipment of munitions to Bihac. Besim Handzic, Bihac's hospital director, said: "They called me during an emergency saying the EU monitors were coming in their Jeeps bringing 10-15 boxes of powdered milk. I put them in the store because I did not know there was ammunition inside." The BND's delivery, one of many smuggled across Serb lines, was then collected at night by Bosnian troops.

Monitor alleges that according to an internal EU report 17,280 bullets were transported on that occasion by von Bezold "but that this was not made public". Both von Bezold and the BND have denied charges but the BND noted that that it "did not comment on personnel matters".

While members of the Control Commission are not allowed to discuss what happens in their sessions, Manfred Zuch, a deputy for the Green Party and a member of the Commission, told The Telegraph that the peculiar wording of the BND's denials meant this "left often the possibility that while details may be wrong the overall picture may be right".

The German television programme was also told by a former monitor that his colleagues had discussed "how the Croatian Army could be put in a position of being able to conquer the Serb-occupied zones . . . what they needed and what we could do to help".

One significant German contribution was the delivery of former East German MiG-21 war planes. These had been based near Berlin and are believed to have been smuggled to Croatia via Hungary.

Virtually all experts on the Croatian military concur that a large part of its hardware built up between 1991 and 1995 came from the former East Germany.

The gun-running allegations are now a major issue in the German parliament. Under German law it is illegal not only for the BND to infiltrate the EU monitoring missions, but also to ship arms to a war zone. The consignments also broke the UN arms embargo on the former Yugoslavia. Jo Angerer, an investigative reporter on Monitor, says the Control Commission must determine whether "the BND was running operations with or without government approval. If it did have approval then this is an even more serious issue."

When the war broke out, Britain and the US did not want to get involved in arming Croatia, says Paul Beaver, an expert in Balkan security. After meetings "at a high European level" it was indicated to the Germans "OK, it's your bag of tricks, you sort it out". However, "German support seemed to go further than the British and Americans had expected".

By 1994 the Americans especially were alarmed that the Croats, far from being helped into military balance, would end up far better armed than the Serbs. This would provoke a major arms race in the region which would suck in the Russians.

For many German politicians, however, the nub of the problem may not be the BND's operations at all - rather that it appears to have been caught out.