



United Nations
Nations Unies



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

A13

CASE/AFFAIRE NO. IT-95-5/18-AR73.7 (KARADŽIĆ) **DATE** 9 March 2010

FROM/DE RAM DORAISWAMY, COURT OFFICER

TO/A		
<input checked="" type="checkbox"/> President/Président (1)	<input checked="" type="checkbox"/> Prosecutor/Procureur	<input type="checkbox"/> Defense Counsel/Conseil de la Défense
<input checked="" type="checkbox"/> Vice President/Vice-Président		
<input checked="" type="checkbox"/> Appeals Chamber/ Chambre d'appel	<input checked="" type="checkbox"/> Case Manager/ Commis aux affaires	<input checked="" type="checkbox"/> Self-representing Accused
<input type="checkbox"/> Trial Chamber I/ Chambre de 1ère instance I	<input type="checkbox"/> Chief of Investigations/ Chef des enquêtes	MR. R. KARADŽIĆ (1)
<input type="checkbox"/> Trial Chamber II/ Chambre de 1ère instance II		<input checked="" type="checkbox"/> Legal Advisers
<input checked="" type="checkbox"/> Trial Chamber III/ Chambre de 1ère instance III		MR. G. PETRONIJEVIĆ MR. P. ROBINSON MR. M. SLADOJEVIĆ
FOR INFO		<input checked="" type="checkbox"/> Court Appointed Counsel MR. R. HARVEY
<input type="checkbox"/> Embassy/Ambassade		
<input checked="" type="checkbox"/> Pro Se Legal Liaison Officer/Juriste chargé de la liaison avec l'accusé MS. J. GUDURIĆ		
<input type="checkbox"/> Other/Autre		
<input checked="" type="checkbox"/> Registrar/Deputy Registrar/Greffier/Greffier adjoint MS. T. MAIKOWSKI / MS. S. FOFANA	<input type="checkbox"/> VWS Coordinator/Coordinateur de la SVT	
<input checked="" type="checkbox"/> Senior Legal Officer/Juriste hors-classe MR. W. PITTMAN / LO FOR INFO MS. Y. FEATHERSTONE / MS. L. DAVIDSON	<input type="checkbox"/> UNDU Commanding Officer/Commandant du QPNU	
<input checked="" type="checkbox"/> Communications Service/Service Communication	<input checked="" type="checkbox"/> OLAD	

PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT

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 ___/___/___

Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ___/___/___

Motion/Request/Application submitted by Prosecution/Defence Counsel/Accused on/
Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense le 09/03/2010

APPEAL

Response/reply/brief submitted by Prosecution/Defence Counsel/Accused on/
Réponse/Réplique/Mémoire présenté(e) par l'Accusation/le Conseil de la défense le ___/___/___

Decision of the Registrar on/Décision du Greffier le ___/___/___

Other/Autre

RECEIVED/RECU	FILED/ENREGISTRÉ
<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: <u>09/03/2010</u>	<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: <u>09/03/2010</u>
<input type="checkbox"/> Outside Office hours/en dehors des heures ouvrables Date: ___/___/___ Time/Heure: ___h___	<input type="checkbox"/> Outside Office hours/en dehors des heures ouvrables Date: ___/___/___ Time/Heure: ___h___

Notice of confidentiality applicable to fax

This facsimile transmission contains United Nations proprietary information that is strictly confidential and/or legally privileged, and is intended solely for the use of officials of the United Nations and/or the named recipient hereof. Any unauthorized disclosure, copying, distribution or other use of the information herein is strictly prohibited. If you have erroneously received this facsimile transmission, please notify the United Nations immediately.

Article 27.2- Directive for the Registry: A party anticipating a late filing will call the Registry during office hours to request permission of the Registrar and instruction for after hour filing.
Article 27.2-Directive pour le Greffe: une partie prévoyant un dépôt hors des heures ouvrables se mettra en rapport avec le personnel du Greffe durant les heures de bureau pour solliciter l'autorisation du Greffier et les instructions nécessaires.

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Churchillplein 1, 2517 JW La Haye. B.P. 13888, 2501 La Haye. Pays-Bas
Tel.: 31-70-512 5738 / 8751 Fax: 31-70-512 8558

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-05/18-AR73.7

IN THE APPEALS CHAMBER

Before: An Appeals Chamber

Registrar: Mr. John Hocking

Date: 9 March 2010

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

APPEAL FROM DECISION ON
COMMENCEMENT OF EVIDENCE

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

The Accused:
Radovan Karadzic

1. Dr. Radovan Karadzic respectfully appeals, with certification¹, from the *Decision on the Accused's Motion for Postponement of the Trial* (26 February 2010) which ordered the evidentiary phase of the trial to commence without an opportunity for Dr. Karadzic to prepare in accordance with the President's decision re-instating his defence team.

Procedural History

2. On 5 November 2009, the Trial Chamber issued its *Decision on Appointment of Counsel and Order on Further Trial Proceedings*. In that decision, it appointed a standby counsel, postponed the resumption of the trial until 1 March 2010, and ordered that during the interim, "the Accused will continue to represent himself, including by dealing with the day-to-day matters that arise, such as the filing of motions and responses to motions filed by the Prosecution and further preparing himself for the trial."²

3. On that same day, the Registrar notified Dr. Karadzic that the defence team funding for the pre-trial period would be limited to a total of 4500 hours—an amount which had already been exhausted and exceeded—and that a decision on funding for the period from 26 October 2009 to 1 March 2010 ("the adjournment period") would be made in "due course".³

4. When the Registrar still had not allocated any additional funds to Dr. Karadzic's defence team by 10 November 2009, all eight members of the defence team stopped working.

5. On 26 November 2009, the Registrar determined that he would provide Dr. Karadzic's defence team with a total allocation of 250 hours per month during the adjournment period.⁴ Dr. Karadzic's Legal Advisor, Peter Robinson, returned to work on 27 November 2009. Between 10 and 27 November 2009, Dr. Karadzic had no one working on his defence team.

6. On 17 December 2009, the President found that the decision of the Registrar on the pre-trial remuneration was unreasonable and ordered that the defence team be

¹ *Oral Decision on Certification to Appeal and Stay Pending Appeal* (Transcript of 2 March 2010 at 993-95)

² Para. 25

³ Annex C, *Appeal of OLAD Decision in Relation to Additional Pre-Trial Funds* (5 November 2009)

⁴ Annex A, *Request for Review of OLAD Decision on Trial Phase Remuneration* (14 January 2010)

remunerated for a total of 7500 hours during the pre-trial phase.⁵ A second defence team member, Legal Associate Marko Sladojevic, returned to work after that decision. Between 27 November 2009 and 17 December 2009, Dr. Karadzic had only one person working on his defence team and that person was working full time on preserving Dr. Karadzic's right to self-representation, rather than on trial preparation.

7. Dr. Karadzic's request that the Registrar reconsider his trial phase remuneration decision in light of the President's finding on the pre-trial phase fell on deaf ears.⁶ On 19 February 2010, the President once again found that the Registrar had been unreasonable and ordered that the defence team be remunerated for 1200 hours per month during the adjournment period and 750 hours per month when the trial resumed.⁷ During the period from 17 December to 19 February, two persons had been working on the defence team, one full time and one part time, for a total of 250 hours per month.

8. The remaining six members of the defence team, including the two case managers, three investigators, and the legal associate in Belgrade resumed working on the case on 22 February 2010.

9. Dr. Karadzic struggled during the adjournment period without a proper defence team. During the period that he was without his Legal Advisor, he was forced to file pleadings in Serbian.⁸ When his Legal Advisor returned to work on 27 November 2009, several motions could not be responded to because they required retrieval of large amounts of documents which could only be done by a case manager.⁹ No investigation or trial preparation work by Dr. Karadzic's defence team took place during the adjournment period, save for the work of Legal Associate Marko Sladojevic, who primarily assisted Dr. Karadzic in preparing his opening statement.

10. Dr. Karadzic filed his *Motion for Postponement of Trial* on 1 February 2010. The prosecution responded on 3 February 2010.¹⁰ On 3 February 2010, the Trial

⁵ *Decision on Appeal of OLAD Decision in Relation to Additional Pre-Trial Funds* (17 December 2009)

⁶ Annexes D & E, *Request for Review of OLAD Decision on Trial Phase Remuneration* (14 January 2010)

⁷ *Decision on Request for Review of OLAD Decision on Trial Phase Remuneration* (19 February 2010)

⁸ See *Decision on the Accused's Motion Challenging the Legal Validity and Legitimacy of the Tribunal* (7 December 2009) at fn. 1

⁹ *Motion for Extension of Time to File Responses: Fourth Motion for Judicial Notice, Supplement to First Rule 92 bis Motion* (27 November 2009); *Motion for Extension of Time to Respond to Prosecution Motions* (22 December 2009); *Supplemental Response to Motion for Judicial Notice of Documents* (28 December 2009); *Response to Prosecution Motion to file Supplemental Exhibit List* (19 January 2010)

¹⁰ *Prosecution's Response to Karadzic's Motion for Postponement of Trial* (3 February 2010)

Chamber ordered the parties to make supplemental submissions on the particulars of the disclosure provided during the adjournment period.¹¹ The prosecution made its submissions on 9 February 2010.¹² Dr. Karadzic filed further submissions on 22 February 2010 in the wake of the President's decision.¹³

11. On 26 February 2010, the Trial Chamber issued the Impugned Decision denying the motion for postponement of the trial.¹⁴

12. On 1 March 2010, Dr. Karadzic filed his *Application for Certification to Appeal and for Stay Pending Appeal of Decision on Commencement of Evidence*. The prosecution responded the same day.¹⁵ On 2 March 2010, at the conclusion of Dr. Karadzic's opening statement, the Trial Chamber granted certification to appeal and stayed the Impugned Decision pending appeal.¹⁶

The President's Decision

13. In his *Decision on Request for Review of OLAD Decision on Trial Phase Remuneration* (19 February 2010), the President of the Tribunal made several findings which are important for this appeal.

14. The President held that the Registrar had acted unreasonably in refusing to fully fund Dr. Karadzic's defence team during the period between 26 October 2009 and 1 March 2010.

15. The President found that "in light of the significant amount of work involved in reviewing 300,000 disclosure documents...it was unreasonable for the Registrar to conclude that most of the outstanding work cited by Karadzic in support of his Request was covered by the Pre-Trial allotment."¹⁷

16. The President also held that "the Registrar failed to take into account or give sufficient weight to the other tasks which Karadzic must undertake during this period in

¹¹ *Order Setting Deadlines for Further Submissions* (3 February 2010)

¹² *Prosecution's Further Response to Karadzic's Motion for Postponement of Trial Pursuant to Trial Chamber's Order of 3 February 2010* (9 February 2010)

¹³ *Supplemental Submission on Motion for Postponement of Trial Following President's Decision* (22 February 2010); *Submission Pursuant to Trial Chamber's Order Setting Deadlines for Further Submissions* (22 March 2010)

¹⁴ *Decision on the Accused's Motion for Postponement of the Trial* (26 February 2010)

¹⁵ *Prosecution's Response to Application for Certification to Appeal and for Stay Pending Appeal of Decision on Commencement of Evidence* (1 March 2010)

¹⁶ *Oral Decision on Certification to Appeal and Stay Pending Appeal* (Transcript of 2 March 2010 at 993-95)

¹⁷ *President's Decision* at para. 34

order to effectively represent himself, as well as the role of the support staff of a self-represented accused...No reasonable person considering these factors could have arrived at the decision that an allocation of 250 hours for the entire defence team per month during the adjournment period was sufficient in the given circumstances.”¹⁸

17. The President decided that “the interests of justice” required the Registrar to allocate 1200 hours per month to Dr. Karadzic’s defence team during the adjournment period “taking into account the high volume of disclosure that occurred after the trial began and that is still ongoing” and “the large number of witnesses and prospective witnesses in his case.”¹⁹

18. Therefore, the President found that given the disclosure and other tasks required to further prepare for the trial during the adjournment period, a total of 4800 hours of defence team work by eight team members was necessary to perform these tasks. However, during the adjournment period, because of the Registrar’s error, Dr. Karadzic’s two defence team members only worked a total of approximately 1000 hours. Therefore, Dr. Karadzic lost 3800 hours of preparation time through no fault of his own.

The Impugned Decision

19. In its decision, the Trial Chamber recognized that since the commencement of the trial in October 2009, the prosecution has disclosed 414,965 pages of disclosure material.²⁰ However, it found, contrary to the decision of the President, that this disclosure did not warrant a further postponement of the trial.²¹ It noted that a further postponement of the trial would be “a drastic measure that would, concurrently, have real repercussions for the parties’ rights to a fair and expeditious trial.”²²

20. The Trial Chamber held that any prejudice to the accused from the late disclosure and lack of funding for his defence team could be addressed by granting delays in the cross-examination or the recalling of certain witnesses impacted by the late disclosure and by Dr. Karadzic’s applying to the Registrar for additional allocation of resources during the first few weeks of the trial.²³

¹⁸ *President’s Decision* at para. 39

¹⁹ *President’s Decision* at para. 45

²⁰ *Impugned Decision* at para. 26

²¹ *Impugned Decision* at para. 39

²² *Impugned Decision* at para. 39

²³ *Impugned Decision* at para. 40

21. The Trial Chamber further held that while additional tasks necessary to the preparation for trial had not been able to be undertaken during the four month period in which the defence team had been underfunded, those tasks could be performed while the trial was underway.²⁴

Ground of Appeal

22. Dr. Karadzic asserts the following grounds of appeal:

- A. The Trial Chamber lacked the authority to overrule the President of the Tribunal
- B. The Trial Chamber abused its discretion in deciding to commence hearing evidence when the Registrar's violation of Dr. Karadzic's right to adequate facilities had not been remedied

Standard of Review

23. The standard of review for a decision concerning the commencement of trial is one of abuse of discretion. The Appeals Chamber will only overturn the Trial Chamber's exercise of its discretion where it is found to be (i) based upon an incorrect interpretation of governing law; (ii) based upon a patently incorrect conclusion of fact; or (iii) so unfair or unreasonable as to constitute an abuse of the Trial Chamber's discretion.²⁵

Argument

- A. The Trial Chamber Lacked the Authority to Overrule the President of the Tribunal

24. The President of the Tribunal, in finding that the Registrar had unreasonably failed to adequately fund Dr. Karadzic's defence team during the approximately four month adjournment period, ordered as a remedy that the defence team be funded at 1200 hours per month during that period.

25. The Trial Chamber made that remedy impossible to implement by ruling one week later that the resumption of the trial would not be postponed. In doing so, the Trial Chamber exceeded its authority and invaded the province of the President.

²⁴ Impugned Decision at para. 47

²⁵ *Decision on Radovan Karadzic's Appeal of the Decision on Commencement of Trial* (13 October 2009) at para. 6

26. Rule 19(A) provides in pertinent part that:

The President shall coordinate the work of the Chambers and supervise the activities of the Registry, as well as exercise all the other functions conferred on the President by the Statute and the Rules.

27. Rule 33(A) provides in pertinent part that “under the authority of the President, the Registrar shall be responsible for the administration and servicing of the Tribunal.”

28. Article 31(C) of the *Directive on the Assignment of Defence Counsel*, adopted by the Judges, provides that disputes over remuneration of defence teams shall be referred to the President, whose “determination shall be final and binding on the parties”.²⁶

29. When the President determined on 19 February 2010 that the decision of the Registrar to fund Dr. Karadzic’s defence team at only 250 hours per month during the four month adjournment period was unreasonable, he ordered a specific remedy—the funding of the defence team at 1200 hours per month until the resumption of the trial, to enable each of the eight members of Dr. Karadzic’s defence team to assist him during the adjournment period.²⁷

30. The President expressly indicated that he was aware that the case had been declared ready for trial prior to the commencement of the adjournment period, but noted that the 1200 hours per month was necessary for Dr. Karadzic to further prepare for the trial, in light of the new disclosure and other tasks required during the adjournment period.²⁸

31. The Trial Chamber expressly stated that:

It was open to the President to conclude, as he did, that the Registrar acted unreasonably in deciding the level of remuneration of the Accused’s defence team during the adjournment period. However, the judicial review undertaken by the President in his Decision was confined to the issue of defence remuneration and it did not and could not address the timing of the resumption of the trial, as this is a matter within the discretion of the Trial Chamber alone.²⁹

²⁶ This provision is expressly made applicable to self-represented accused by section 8.1 of the *Remuneration Scheme for Persons Assisting Indigent Self-Represented Accused* (24 July 2009).

²⁷ *President’s Decision* at para. 45

²⁸ *President’s Decision* at para. 45

²⁹ *Impugned Decision* at para. 23

32. The Trial Chamber erred in drawing an artificial distinction between the remuneration of the defence team and the date upon which the trial could resume. The President's supervision of the activities of the Registrar led him to conclude that the Registrar had unreasonably deprived Dr. Karadzic of the services of his defence team for four months. That decision was not simply a matter of funding—it was based upon the statutory right of an accused to adequate facilities for the preparation of his defence.³⁰

33. The President based his decision upon the volume of disclosure received during the adjournment period and the other tasks that had to be performed during the adjournment period before the accused could be adequately prepared for trial. He found that “no reasonable person considering these factors could have arrived at the decision that an allocation of 250 hours for the entire defence team per month during the adjournment period was sufficient in the given circumstances.”³¹

34. The Trial Chamber overruled that decision. It made its own analysis of the same disclosure and other trial preparation issues that had arisen during the adjournment period and found that it was not necessary for those tasks to have been performed during the adjournment period, but that they could be performed during the trial. As a result, it vacated the order of the President that the defence team be remunerated at a rate of 1200 hours per month during the four month adjournment period by terminating the adjournment period after 1 week.

35. There is nothing in the Statute, Rules, Directive, or Remuneration Scheme which gives the Trial Chamber the authority to review or vacate the decision of the President. While the Trial Chamber has the discretion to set a date for resumption of a trial to which it has been assigned, that discretion cannot be exercised in a manner which overrules a decision of the President.

36. For example, suppose the President, in his capacity of supervising the Registry, had decided in an appeal pursuant to Article 13(A) of the Directive, that the Registrar had erred in refusing to assign counsel to an accused, and ordered that counsel be assigned. Could a Trial Chamber subsequently proceed with the trial in the absence of counsel, reasoning that the timing of the resumption of the trial was a matter for the Trial

³⁰ Article 21(4)(b)

³¹ *President's Decision* at para. 39

Chamber alone, and that the counsel eventually assigned to represent the accused could join the trial and catch up as the trial progresses?

37. As this example points out, the Trial Chamber is obligated to give effect to the decision of the President and cannot make orders which frustrate or block the implementation of his decision. Otherwise, it takes upon itself the position of overruling the decision, which it is not authorized to do by the Statute or the Rules.

38. While the Trial Chamber was free to disagree with the President on the impact of 400,000 pages of new disclosure and the performance of other tasks for the preparation of the trial, it was not free to vacate the remedy that he had ordered. That is precisely what the Trial Chamber in Dr. Karadzic's case did when it ordered the resumption of the trial and reduced the adjournment period from four months to one week.

39. Therefore, the Appeals Chamber should find that the Trial Chamber based its decision to resume the trial on an incorrect application of governing law and in doing so, abused its discretion.

B. The Trial Chamber Abused its Discretion in Deciding to Commence Hearing Evidence when the Registrar's Violation of Dr. Karadzic's Right to Adequate Facilities had not been Remedied

40. Even if the Trial Chamber had the authority to vitiate the President's decision, its conclusion that the trial could proceed with 400,000 pages of disclosure unreviewed and other trial preparation tasks unperformed was an unreasonable one.

41. The Appeals Chamber confronted a similar situation in the *Ngirabatware* case from the ICTR. In that case, the Appeals Chamber specifically held that the staffing of the defence team was among the factors that a Trial Chamber must consider when determining whether commencement of trial would violate an accused's right to adequate time and facilities to prepare for trial.³² It went on to hold that the Trial Chamber abused its discretion by setting a trial date at a time when the defence team had not been in place long enough to adequately prepare for trial.

42. Likewise, in Dr. Karadzic's case, the Trial Chamber ordered the trial to commence only one week after Dr. Karadzic's defence team had been put back in place. The four month period when 400,000 pages of disclosure had poured in and trial

³² *Prosecutor v Ngirabatware*, No. ICTR-99-54-A, *Decision on Augustin Ngirabatware's Appeal of Decisions Denying Motions to Vary Trial Date* (12 May 2009) at para. 28

preparation tasks had remained undone was not due to negligence or fault of Dr. Karadzic, but due to an unreasonable and erroneous decision of the Registrar. The fact that additional resources were needed during this period was not based upon a mere claim by Dr. Karadzic but upon a decision by the President of the Tribunal. By ignoring that decision, and forging ahead with the trial, there is an even stronger case that Trial Chamber abused its discretion than in *Ngirabatware*.

43. At the ICTY, the Appeals Chamber in the *Milosevic* case has upheld the Trial Chamber's decision to commence the defence case after a three month adjournment, rather than the two years requested by the accused. The Appeals Chamber noted the Trial Chamber's intimate familiarity with the case over which it had presided for two years, and that it had explicitly considered all of the factors raised by the accused and did not take into account any impermissible factor.³³

44. In Dr. Karadzic's case, the Trial Chamber is not yet intimately familiar with the case, since it was only constituted in September 2009 and the evidence has not yet commenced. The Impugned Decision was made not on a clean slate, but in direct contravention to the decision of the President of the Tribunal. Therefore, the deference afforded by the Appeals Chamber to the decision of the Trial Chamber in the *Milosevic* case is not warranted by the circumstances of this case.

45. Likewise, in the *Krajisnik* case, the Appeals Chamber afforded great deference to the decision of the Trial Chamber, which had already one year of evidence in the trial, and where the Trial Chamber's consideration of the factors raised by the accused did not contravene a decision of the President, as it did in this case.³⁴ In addition, in *Krajisnik*, it was defence counsel who suggested that the trial should commence and that he could catch-up by reduced sitting days.³⁵ In Dr. Karadzic's case, the President has determined that Dr. Karadzic was entitled to a full defence team for four months before the trial should commence.

³³ *Prosecutor v Milosevic*, No. IT-02-54-AR73.6, *Decision on the Interlocutory Appeal by the Amici Curiae Against the Trial Chamber Order Concerning the Presentation and Preparation of the Defence Case* (20 January 2004) at para. 18

³⁴ *Prosecutor v Krajisnik*, No. IT-00-39-AR73.1, *Decision on Interlocutory Appeal of Decision on Second Defence Motion for Adjournment* (25 April 2005)

³⁵ *Prosecutor v Krajisnik*, No. IT-00-39-T, *Decision on Defence Motion for Adjournment* (21 September 2004) at para. 3 (fifth bullet point)

46. Finally, the Appeals Chamber's earlier decision in Dr. Karadzic's own case, which upheld the Trial Chamber's exercise of discretion in refusing to postpone the trial, is distinguishable because the Trial Chamber had not, in that instance, contravened any established decisions or frustrated the implementation of an order of the President.³⁶

47. The Trial Chamber's decision in the instant matter resulted in the denial of the adequate time and facilities that the President had determined was necessary for the preparation of the defence. As such, it was an abuse of the Trial Chamber's discretion.

Conclusion

48. The issue comes down to this:

- (A) The Registrar determined that Dr. Karadzic required only 250 hours per month for four months for his defence team to further prepare for trial during the adjournment period.
- (B) The President held that this was unreasonable, and that the Statute's guarantees of adequate time and facilities for the preparation of the defence required that Dr. Karadzic's defence team be given 1200 hours per month to further prepare during the adjournment period.
- (C) The Trial Chamber took away the hours granted by the President by insisting on commencing the trial within one week, preventing Dr. Karadzic from having the adequate time and facilities that the President ruled was required by the Statute.

49. Can a Trial Chamber do that?

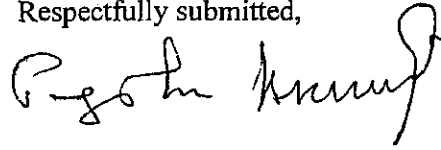
50. Dr. Karadzic contends that it cannot, because a Trial Chamber lacks the authority to overrule and make a nullity out of a decision by the President of the Tribunal, and because this Trial Chamber abused its discretion by attempting to commence the evidence in this case when it was firmly established that Dr. Karadzic had not had adequate time and facilities to prepare.

51. It is respectfully requested that the decision of the Trial Chamber be reversed and that the trial be ordered to commence on 17 June 2010.

³⁶ *Decision on Radovan Karadzic's Appeal of the Decision on Commencement of Trial* (13 October 2009)

Word count: 3868

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Radovan Karadzic', written in a cursive style.

Radovan Karadzic