

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: 23 November 2011

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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MOTION FOR ASSIGNMENT OF COUNSEL  
TO WITNESS GENERAL DRAGOMIR MILOSEVIC

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

The Accused:  
Radovan Karadzic

1. Dr. Radovan Karadzic respectfully requests that the Trial Chamber direct the Registrar to assign counsel to General Dragomir Milosevic.

2. Dr. Karadzic is interested in calling General Milosevic as a witness in his defence case. General Milosevic has indicated that he is willing to testify, but wishes to be assisted by counsel to protect his rights during the proofing and testimony.<sup>1</sup> Dr. Karadzic recognizes that General Milosevic, like other persons sentenced by this Tribunal who have been called as prosecution witnesses, has the right to the assistance of counsel.

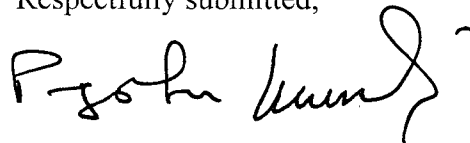
3. The Registrar declines to assign counsel to General Milosevic until Dr. Karadzic files his official witness list.<sup>2</sup>

4. This position of the Registry is delaying Dr. Karadzic's preparation of his defence case. If Dr. Karadzic cannot meet with potential witnesses and receive information from them prior to filing his witness list, how is he supposed to decide which witnesses to put on the list?

5. Dr. Karadzic's Legal Advisor has had to postpone his scheduled interview with General Milosevic, which had been authorized by the government of Estonia, as a result of the Registry's position. The Trial Chamber is respectfully requested to direct the Registrar to assign counsel to General Dragomir Milosevic so that the preparation of the defence case is not further impeded.

Word count: 709

Respectfully submitted,



Radovan Karadzic

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<sup>1</sup> A copy of the letter setting forth General Milosevic's position is attached as Annex "A".

<sup>2</sup> See Annex A as well as the letter of the Registry attached as Annex "B".

**ANNEX "A"**

*Stéphane Bourgon Ad.E.*

*Avocat - Lawyer*

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15 November 2011

Dr. Radovan Karadžić  
C/O Mr. Peter Robinson, Legal Advisor  
International Criminal Tribunal  
for the former Yugoslavia (ICTY)  
Churchillplein 1,  
2517 JW The Hague  
The Netherlands

Dear Mr. Robinson

I hereby refer to Dr. Karadžić's letter addressed to the First Secretary of the Embassy of Estonia on 14 September 2011, in which he seeks permission for you to visit Dragomir Milošević who is presently serving his sentence in Tartu prison, Estonia.

I currently represent Mr. Milošević who has retained my services with a view to possibly filing an application for review of the Appeals Chamber's Judgment in his case.

Mr. Milošević has been informed of Dr. Karadžić's request and he has since informed me of the same.

While Mr. Milošević is indeed willing to meet with you as well as ready in principle to testify as a defence witness at Dr. Karadžić's trial, such a meeting cannot take place unless I am present to protect his rights and ensure that any information he provides on this occasion does not jeopardize his potential application for review.

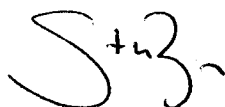
The difficulty however, lies in the fact that I presently represent Mr. Milošević on a pro bono basis and that he does not have the financial resources to pay for my travel to Tartu, Estonia. More importantly, the Office of Legal Aid and Detention matters (OLAD) has

refused to pay for my travel to Tartu on the basis that Mr. Milošević is not yet mentioned in Dr. Karadžić's upcoming Rule 65*ter* list of witnesses.

In these circumstances, I regret to inform you that your planned interview with Mr. Milošević is not possible unless you accept to pay for my travel to Tartu as well as for the services of an English – BCS interpreter.

Should you decide to proceed with the planned visit, please contact me so the necessary arrangements can be made.

Please accept, Dear Mr. Robinson, the assurances of my consideration.

A handwritten signature in black ink, appearing to read 'S+u3', with a stylized flourish at the end.

Me Stéphane Bourgon *Ad.E.*

C.c. Mr. Dragomir Milošević

**ANNEX "B"**



United Nations  
Nations Unies



International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

9 September 2011

Dear Mr. Karadžić,

I write further to your letter to the Registrar dated 31 August 2011, in which you request that a lawyer is assigned to Mr. Dragomir Milosević, who you intend to call as a defence witness in your case and who your Legal Associate Mr. Robinson is supposed to interview with regard to the possibility of such testimony.

While the Registrar appreciates your concern for the protection of Mr. Milosević's rights, please be informed that whether counsel for Mr. Milosević can be assigned and remunerated for an interview with your Legal Associate, will be dealt with between the Registry and Mr. Milosević directly.

Please do not hesitate to contact me should you have any further questions.

Yours sincerely,

Anna Osure

Deputy Head of the Office for  
Legal Aid and Detention Matters

TO: Mr. Radovan Karadžić  
UNDU

CC: Mr. Peter Robinson  
Mr. Marko Sladojević  
Mr. Goran Petronijević  
*Legal Associates*