



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

**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.

D43483

CASE/AFFAIRE NO.	IT-95-5/18-T (R. KARADŽIĆ)	DATE	07 December 2010
FROM/DE RAM DORAISWAMY, COURT OFFICER			
TO/A			
<input checked="" type="checkbox"/> President/Président (1)	<input checked="" type="checkbox"/> Prosecutor/Procureur	0 Defense Counsel/Conseil de la Défense	
<input checked="" type="checkbox"/> Vice President/Vice-Président			
0 Appeals Chamber/ Chambre d'appel	<input checked="" type="checkbox"/> Case Manager/ Commis aux affaires	<input checked="" type="checkbox"/> Self-representing Accused/ Accusé assurant lui-même sa défense MR. R. KARADŽIĆ (1)	
0 Trial Chamber I/ Chambre de 1ère instance I	0 Chief of Investigations/ Chef des enquêtes	<input checked="" type="checkbox"/> Legal Advisers/ Conseillers juridiques MR. G. PETRONIJEVIĆ MR. P. ROBINSON MR. M. SLADOJEVIĆ	
0 Trial Chamber II/ Chambre de 1ère instance II		<input checked="" type="checkbox"/> Standby Counsel MR. R. HARVEY	
<input checked="" type="checkbox"/> Trial Chamber III/ Chambre de 1ère instance III			
0 Embassy/Ambassade			
<input checked="" type="checkbox"/> Pro Se Legal Liaison Officer/Juriste chargé de la liaison avec l'accusé MS. V. TASEVA			
0 Other/Autre			
<input checked="" type="checkbox"/> Registrar/Deputy Registrar/Greffier/Greffier adjoint MS. T. MAIKOWSKI	<input checked="" type="checkbox"/> VWS Coordinator/Coordinateur de la SVT MR. A. DE WITT		
<input checked="" type="checkbox"/> Senior Legal Officer/Juriste hors-classe MS. Y. FEATHERSTONE / MS. L. DAVIDSON	0 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	
0 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 ____/____/____	
0 Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ____/____/____	
<input checked="" type="checkbox"/> Motion/Request/Application submitted by Prosecution/Defence Counsel/Accused on/ Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense/ Accusé le 07 / 12 / 2010	
0 Response/Reply/Brief submitted by Prosecution/Defence Counsel/Accused on/ Réponse/Réplique/Mémoire présent(e) par l'Accusation/le Conseil de la défense/ Accusé le ____/____/____	
0 Decision of the Registrar on/Décision du Greffier le ____/____/____	
0 Other/Autre	
RECEIVED/RECU	FILED/ENREGISTRE
<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 07 / 12 / 2010	<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 07 / 12 / 2010
0 Outside Office hours/en dehors des heures ouvrables Date: ____/____/____. Time/Heure: ____ h ____.	0 Outside Office hours/en dehors des heures ouvrables Date: ____/____/____. Time/Heure: ____ h ____.

For guidelines regarding filing procedures, please see the Directive for the Court Management and Support Services Section Judicial Services Section Registry, IT/121/Rev.1, Part XI: Provision of Documents.
Pour les procédures concernant le dépôt des documents, voir la Directive relative à la Section d'administration et d'appui judiciaire, Services judiciaires, Greffe, IT/121/Rev.1, Titre XI: Communication des documents

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 Or 512 8751 Fax: 31-70-512 8558

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: 7 December 2010

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION FOR ADMISSION OF
SUPPLEMENTAL STATEMENT OF
RULE 92 bis WITNESS ANDJA GOTOVAC

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 admit the attached supplemental information to the testimony of Rule 92 *bis* witness Andja Gotovac.

2. On 5 March 2010, the Trial Chamber admitted the statements and prior testimony of Ms. Gotovac pursuant to Rule 92 *bis*.¹ In her statements and testimony, Ms. Gotovac accounts how on 24 May 1995, a modified air bomb fell outside her home, causing her to be injured. She indicates that there were no military facilities in the area.²

3. On 23 November 2010, Ms. Gotovac was interviewed by members of Dr. Karadzic's defence team in the presence of a representative of the Office of the Prosecutor. She advised that there was a lot of fire being directed at the BH RTV station, which is approximately 150 meters from her house. The shells would generally pass directly above her house which was in the same line of fire as the TV station.

4. This information, which is not contained in the statements and testimony admitted pursuant to Rule 92 *bis*, is relevant to show that the shell which caused her injuries may have been aimed at the television station. Other evidence will show that the BH television station, like the Serbian television station in Belgrade which was bombed by NATO in 1999, may well have been a legitimate military target. Therefore, even if the shell was found to have been fired by the Bosnian Serbs, it would not have been a crime.

4. Dr. Karadzic has prepared a supplemental statement reflecting this information.³ He respectfully requests that the Trial Chamber admit the supplemental statement pursuant to Rule 92 *bis*, subject to his obtaining its certification by the witness.

5. Alternatively, should the Trial Chamber not wish to admit the statement, Dr. Karadzic respectfully requests that Ms. Gotovac be called for cross examination so that this information can be elicited.⁴

¹ *Decision on Prosecution's Fourth Motion for Admission of Statements and Transcripts of Evidence in lieu of Viva Voce Testimony Pursuant to Rule 92 bis—Sarajevo Siege Witnesses*

² Exhibit P489 and 490. This testimony is relevant to scheduled shelling incident G11.

³ This is attached as Annex "A".

⁴ Dr. Karadzic did not have adequate resources in the pre-trial period to complete his interviews of Rule 92 *bis* witnesses.

Word count: 544

Respectfully submitted,


Radovan Karadzic⁵

⁵ The assistance of Legal Interns Jessie Smith (Australia), James Jackson (United Kingdom), Laila Hamzi (Australia), and Bernd Roemer (Germany), who traveled to Sarajevo to conduct the witness interviews, is gratefully acknowledged.

ANNEX "A"

SUPPLEMENTAL STATEMENT OF ANDJA GOTOVAC

1. There was a lot of fire being directed at the BH RTV station, which is approximately 150 meters from her house.
2. The shells would generally pass directly above her house which was in the same line of fire as the TV station.