

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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

Before: Judge Patrick Robinson, President

Registrar: Mr. John Hocking

Date: 22 August 2011

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

REQUEST FOR REVIEW OF DECISION
ON DEFENCE TEAM FUNDING

The Office of the Prosecutor:

Mr. Alan Tieger

Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. Dr. Radovan Karadzic, pursuant to Article 26 of the *Remuneration Scheme for Persons Assisting Indigent Self-Represented Accused* (“Remuneration Scheme”) and Article 31 (C) of the *Directive on the Assignment of Defence Counsel* (“Directive”), hereby requests that the Registrar of the Tribunal refer this request for review to the President of the Tribunal.

Procedural History

2. On 19 February 2010, the President ordered the Registrar to allocate 750 hours per month to Dr. Karadzic’s defence team during the trial.¹ Dr. Karadzic deeply appreciated this decision, and it led him to decide to participate in his trial.

3. Dr. Karadzic utilized the 750 hours by allocating 150 hours to his Legal Advisor Peter Robinson, 150 hours to his Legal Associate Marko Sladojevic, 150 hours to his case manager, with the remaining 300 hours being split between two investigators in Bosnia and an investigator in Serbia.

3. Dr. Karadzic was also allowed to employ a second case manager with funds which were carried over from the adjournment period, when the Registrar had erroneously failed to allocate sufficient funds for Dr. Karadzic’s defence.² Those funds will be exhausted in mid-October 2011.

4. On 9 May 2011, Dr. Karadzic requested that the Office of Legal Aid and Detention (“OLAD”) grant him an additional 270 hours per month—150 hours for the second case manager, whose funding will expire, and 40 additional hours each for Mr. Sladojevic and the two case managers so that they may be remunerated more in line with the hours they are required to work. Dr. Karadzic proposed that each of those three persons be remunerated for 190 hours per month rather than the 150 hours allowed by OLAD.³

5. On 3 June 2011, OLAD denied the request.⁴

6. On 8 June 2011, Dr. Karadzic indicated that he intended to appeal the decision to the President, but would delay doing so until it could be determined how the recent

¹ *Decision on Request for Review of OLAD Decision on Trial Phase Remuneration* (19 February 2011) at para. 56

² *Decision on Request for Review of OLAD Decision on Trial Phase Remuneration* (19 February 2011) at para. 45

³ A copy of Dr. Karadzic’s letter is attached as Annex “A”.

⁴ A copy of the letter from OLAD is attached as Annex “B” It is hereinafter referred to as the “Impugned Decision”.

arrest of General Ratko Mladic would affect his trial.⁵ Although the prosecution had indicated that it was considering requesting that the two trials be joined, it has recently indicated that it had decided not to do so.⁶ After consulting with the defence team of General Mladic on 20 August 2011, Dr. Karadzic has also decided not to seek a joinder of the two cases.

7. Therefore, he now seeks review of OLAD's 3 June 2011 decision.

Ground of Appeal

8. In its decision, OLAD relied upon paragraph 14 of the Remuneration Scheme, which provides that:

The Registrar may increase the maximum allotment of hours per...stage... if the self-represented accused demonstrates unforeseeable circumstances beyond the control of the self-represented accused or defence team members, which substantially impact upon the preparation reasonably required.

9. Dr. Karadzic contends that either OLAD misinterpreted the remuneration scheme to preclude increase in the maximum allotment for anything but unforeseeable circumstances, or the remuneration scheme itself violates the Article 21(4)(b) right of the accused to adequate facilities for his defence by precluding consideration of the actual situation faced by an indigent self-represented accused trying to defend himself.

Argument

10. Dr. Karadzic's case has now been in the evidentiary phase of the trial for 16 months. During that time, the volume of disclosure has grown to over 2 million pages. Almost 5000 exhibits have been admitted during the trial. The pace of the trial has increased to the equivalent of a five-day trial week.

11. The prosecution had 13 years to prepare for this case and many trials on the same subjects in which to learn the case and perfect its strategy. During the trial, the prosecution has employed six lawyers to conduct the direct examination of its witnesses, rotating a fresh lawyer in the trial with every witness. It has further employed 29

⁵ A copy of Dr. Karadzic's letter is attached as Annex "C"

⁶ See statement of Aleksandar Kontic on behalf of the Prosecutor at the Weekly Press Briefing of 17 August 2011. <http://www.icty.org/sid/10773>

additional support staff just to review its evidence collection for disclosure.⁷ As the prosecution recently noted when explaining its own resource problems in the case:

In contrast to an accused whose powers relate to a single organ such as the military, the Accused in this case is alleged to have exercised authority over military, paramilitary, police, political and governmental organs.⁸

12. The prosecution also recognized that Dr. Karadzic maintained this position throughout the 5 year indictment period, and that these factors were unique to Dr. Karadzic's case as opposed to any other case tried in this Tribunal.⁹

13. Like the prosecution, Dr. Karadzic's experience during the trial has shown that his defence team does not have enough resources to keep up with the scope and pace of the trial. However, unlike the prosecution, who was able to hire 7 additional people and shift 22 more people from other cases,¹⁰ Dr. Karadzic has not been given any additional resources with which to cope with this problem.

14. Now, Dr. Karadzic is faced with a diminution of his resources when the temporary funding of his second case manager runs out in October. He frankly does not see how he will be able to adequately manage under these circumstances. Both case managers double as legal assistants. His second case manager ensures that documents are uploaded into the e-court system for use during the trial and BCS documents are sent for translation. There is simply no one else on the defence team with time to perform this function. Dr. Karadzic will be unable to comply with the demands of the Trial Chamber for the smooth functioning of the trial if adequate funds are not provided.

15. During the trial, his Legal Associate and two case managers have consistently had to work more than 200 hours per month to keep up with the workload.¹¹ Given the scope of the charges, amount of disclosure, resources of the prosecution solely devoted to his case, and the fact that as a single accused, he cannot rely on support from co-accused often present in Level 3 cases, the allocation of 750 hours per month in his case, while greatly appreciated, is simply inadequate.

⁷ *Prosecution's Disclosure Report* (27 July 2011) at para. 15

⁸ *Prosecution's Disclosure Report* (27 July 2011) at para.10

⁹ *Prosecution's Disclosure Report* (27 July 2011) at para. 11

¹⁰ *Prosecution's Disclosure Report* (27 July 2011) at para. 15

¹¹ The Registrar is requested to make available to the President the invoices of the defence team members so that he can review them in connection with this Request for Review.

16. Dr. Karadzic can see that faced with the loss of his second case manager and with his other team members more than fully occupied with having to prepare for cross examination of the many prosecution witnesses coming at a very fast pace under Rule 92 *ter*,¹² he will have no resources whatsoever to deal with material for delayed disclosure witnesses which he is yet to receive during the prosecution case, and no resources to begin preparing for his defence case until the prosecution rests. This will result in his having to request significant adjournments during his trial.. His team simply cannot keep its head above water absent additional resources.

17. In addition, he cannot reasonably ask Mr. Sladojevic and the case managers to work for free after the 150 hours per month are exhausted—which usually occurs around the twentieth of each month. Would they not be justified to stop working at that stage of the month, leaving Dr. Karadzic without their assistance during the last ten days of every month? Even by increasing their hours to 190 each month, they will still devote considerable hours to the case without compensation. But at least the compensation will more closely equate with the work that is required of them for Dr. Karadzic to keep up the pace of the trial.

18. An examination of the invoices of the defence team members in The Hague, including the Legal Advisor who is not part of this motion, demonstrates that over the past 14 months, the four team members alone work an average of 900 hours per month when in trial, and the investigators in the field work another 300 hours. The fact that over a sustained period, the defence team has been required to work 1200 hours per month demonstrates that the funding for the defence team is inadequate.

19. OLAD has acknowledged these factors, but claims that its hands are tied because they were foreseeable. Dr. Karadzic agrees that these factors were foreseeable—indeed he foresaw them himself when he requested 1200 hours per month during the trial phase.¹³ The problem is that the experience of the trial has shown that he was right.

20. By requiring an unforeseeable circumstance in order to re-calibrate the amount of resources needed for adequate facilities for an accused to have a fair trial, the Registrar has erred. While paragraph 14 of the Remuneration Scheme speaks of

¹² The Presiding Judge recently complemented the parties for hearing 7 witnesses in one week. Transcript of 24 June 2011, p. 14567

¹³ *Request for Review of OLAD Decision on Trial Phase Remuneration* (14 January 2010)

unforeseeable circumstances, there is no indication in the Remuneration Scheme that this was the only factor which could be considered when determining whether the allocation of resources ought to be adjusted.

21. The rigidity of the Registrar's approach is unreasonable when contrasted with the standard of reconsideration before the Chambers of this Tribunal, which is not limited to unforeseeable circumstances, but can also be invoked when necessary in order to prevent an injustice.¹⁴

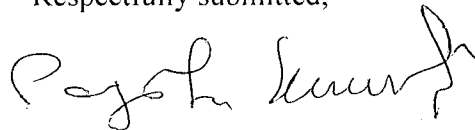
22. If paragraph 14 is interpreted as providing for unforeseeable circumstances as the sole means of increasing an allotment, then the provision is inconsistent with the right of an accused to adequate facilities under Article 21(4)(b) of the Statute when experience demonstrates, as it has in this case, that the original allocation of resources was inadequate.

23. Therefore, OLAD erred in failing to consider relevant material concerning the experience of the trial which demonstrates that the original allocation of 750 hours per month is simply inadequate for Dr. Karadzic to defend himself given the scope and pace of his trial.

24. It is respectfully requested that the President reverse the impugned decision and order the Registrar to allocate an additional 270 hours per month for his defence during the trial phase.

Word count: 1924

Respectfully submitted,



Radovan Karadzic

¹⁴ *Nikolic v Prosecutor*, No. IT-02-60/1-A, *Decision on Appellant's Urgent Motion for Reconsideration of Decision on Second Defence Motion to Enlarge Time for Filing of Replies Dated 1 April 2005* (6 April 2005) at page 4; *Prosecutor v Seselj*, No. IT-03-67-AR72.1, *Decision on Motion for Reconsideration of the "Decision on the Interlocutory Appeal Concerning Jurisdiction Dated 31 August 2004* (15 June 2006) at para. 9

ANNEX "A"

Dr. Radovan Karadzic

9 May 2011

Ms. Jaimee Campbell
Office of Legal Aid and Detention
International Criminal Tribunal for the
former Yugoslavia
Churchillplein 1
The Hague

Dear Ms. Campbell,

This letter is a formal request for the allocation of additional funds to my defence team. The additional funds that I am requesting are (1) an allocation of an additional 80 hours per month so that my Legal Associate Marko Sladojevic, and Case Managers Aleksander Vujic can be compensated up to 190 hours per month, rather than 150 hours per month; and (2) at the expiration of the funding carried over from the adjournment period, an allocation of an additional 190 hours per month so that I can continue to employ Case Manager Aleksandar Stevanovic. (The allotment for the adjournment period is expected to be exhausted in August.)

Let me first state that I appreciate very much the decision of the President which provided that 750 hours per month of support staff resources should be provided for my defence, and the subsequent decision of OLAD to allow me to use the hours from the adjournment period during the trial. I recognize that as a result of those decisions, the funding of my defence team has been brought to the same level as that of a represented accused, save for the position of Lead Counsel.

However, the experience of my trial so far has shown that given the unprecedented scope and breadth of my case, it has been impossible to mount an effective defence with the allocated resources. Looking forward, the workload is anticipated to grow even more. Therefore, I need the additional resources for a fair trial.

My case is three times more complex than the "Level 3" cases which have heretofore been funded under the legal aid policy. I am first charged as President of the State entity, such as President Milan Milutinovic was. I am secondly charged as a civilian Commander of the Army, such as Prime Minister Prlic was. And I am also charged as the President of the SDS party. Each of these other accused had fewer functions and as a result, a smaller case to defend. In addition, I am charged as a single accused and do not have co-accused with whom I can share the burden of the defense tasks. I have to do it all.

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My request that my Legal Associate Marko Sladojevic and Case Managers Aleksander Vujic and Aleksandar Stevanovic be compensated for 190 hours per month, or 47 hours per week, is based on the fact that it is simply impossible for them to only work 150 hours, or 37 hours per week. You need only examine their invoices for the period since the trial commenced to see how much work is required. They regularly work well over 200 hours per month.

I have found that as the trial progresses, more and more tasks have to fall upon the small core of people who are already familiar with the facts and history of my case, rather than upon pro bono interns who can only stay for a few months at a time.

When comparing my trial with others which have been designated as the most complex, the amount of disclosure received from the prosecution, and its timing, demonstrates that additional resources are needed for a fair trial in my case.

We have now received over 2 million pages of disclosure from the prosecution. Since February 2010, when the President made his decision, I have received the following additional disclosures from the prosecution:

Rule 65 ter new OTP exhibits	27,622 pages
Rule 66(A)(ii) witness statements	45,620 pages
Rule 66(B) material	271,754 pages
Rule 68 material	240,529 pages ¹
Pecanas material	20,016 pages
Video and audio material not otherwise transcribed	500 hours ²

This totals 605,541 pages.

While the Trial Chamber has granted adjournments for the Rule 68 disclosure, those adjournments have been a fraction of the time needed to review the Rule 68 material. For example, the most recent adjournment was two weeks to review 20,000 pages and 179 hours of Rule 68 material. To review the written material at a browsing rate of 60 pages per hour and review the video material would take approximately 515 hours.

The Trial Chamber has expressly ruled that the Rule 66(B) material would not be considered in its adjournment decisions.³ Of the 271,754 pages of Rule 66(B) material

¹ These figures are taken by adding the amounts from the OTP Periodic Disclosure reports from February 2010—April 2011. A 229,888 page disclosure in January 2011 has been counted as 57,472 pages because the OTP indicated that 25% of that disclosure was new material.

² Estimated—no figures have been provided by OTP for these materials

³ *Decision on Accused's Motion for Additional Time to Prepare Cross Examination of Momcilo Mandic* (2 July 2010) at para. 9

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received from the prosecution since February 2010 the great majority of this material is items authored by the prosecution witnesses that do not constitute witness statements.

For example, a witness like UN Civil Affairs Officer Anthony Banbury made a single statement which was disclosed under Rule 66(A)(ii) in which he described various meetings he attended with me and other persons in Bosnia in 1994-95. However, for each meeting, he authored a report. He also authored weekly situation reports on what was going on in Bosnia. These reports are examples of Rule 66(B) material.

It is essential for a fair trial that such contemporaneous material be reviewed and items selected to be introduced as defence exhibits when they support my case. The contemporaneous records are far more reliable and credible than the statements of the witness which were most often taken many years after the events and which reflect a tendency to take into account later events, such as Srebrenica, when reflecting on events that occurred in 1992-93. To not have the resources to review such material before the witness testifies would be fundamentally unfair.

Therefore, the receipt of such voluminous material was a circumstance not taken into account when the funding decisions or the policy itself were made.

Looking forward, I believe that although the prosecution has been ordered to complete its Rule 68 disclosure by 31 March 2011, violations of the disclosure regime will continue. The prosecution disclosed an additional 100 Rule 68 documents in April, and I have already uncovered some additional disclosure violations in May that may turn out to be systemic and result in the additional disclosure of a large number of audiotapes and reports.

We have an additional challenge in the next year, and that is to simultaneously prepare our defence case. Given the practice of a two month adjournment between the prosecution and defence case, and the requirement of filing a witness and exhibit list even before then, we cannot afford to wait until the prosecution rests its case to begin working on our defence case. We have to begin now—particularly for the Sarajevo component of the case in which the prosecution evidence has largely concluded.

In order to adequately defend myself against the prosecution's case for the shelling and sniping of Sarajevo, I will have to bring great numbers of personnel from the Sarajevo Romanija Corps to testify, from the Corps Commanders down to the persons manning the artillery weapons and sniper rifles. They will need to explain why they fired and at what targets.

Similarly, for the municipalities portion of the case, in order to adequately defend myself, I will have to bring great numbers of local leaders, particularly those on the municipal and regional Crisis Staffs, to explain why they took the actions they did in the

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municipalities and what steps they took, and we took as a national government, to prevent and punish crimes.

I will also have to bring members of the National structures, including Ministers, Assembly Members, and their staff, to explain what we were doing to try to bring order to the chaos of the civil war and to establish that our goals and objectives were not to expel Muslims from our territory.

I haven't even begun to contemplate what I will do in our defence case for Srebrenica because, frankly, we haven't had time to prepare for the prosecution's Srebrenica case yet.

While the main burden of the defence case will fall upon my investigators in the field, during the remainder of the prosecution's case, my case managers and Legal Associate will not only need to prepare for the cross examination of each prosecution witness, as they have been doing, but will need to be searching for and obtaining material to identify and prepare for the hundreds of potential defence witnesses who will be called to testify.

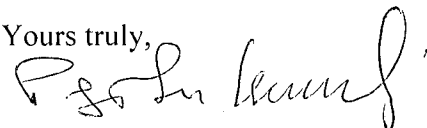
The number of prosecution and defence witnesses in my trial will likely exceed 500—an unprecedented number at the ICTY and one for which the resources allocated for a Level 3 case have not contemplated. The number of prosecution and defence exhibits, already at a record breaking 4000, is likely to exceed 10,000 before the case is over—also an unprecedented number at the ICTY.

When I appealed the Registrar's trial funding decision to the President, I was fighting to simply obtain the same resources given to a represented accused. After more than a year of trial, I now see that even those resources are inadequate for a case of the scope and breadth of this one.

Therefore, I respectfully request that you allow my Legal Associate and two Case Managers to be remunerated at 190 hours per month and that you allow the adjournment period funding of my second case manager to continue for the remainder of the trial.

Thank you for your consideration of this request.

Yours truly,



Dr. Radovan Karadzic

ANNEX "B"



United Nations
Nations Unies



International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

3 June 2011

Dear Mr. Karadžić,

Re: Your request for additional funds

I write with regard to your request for additional funds dated 29 March 2011 (received by my office on 30 March 2011) and your supplement thereto dated 9 May 2011 (together "Request"), which you submitted to my office following our meeting at the United Nations Detention Unit on 4 May 2011.

To summarise: you request that the Registry increase the monthly maximum allotments of your legal assistant Mr. Marko Sladojević and your case manager Mr. Aleksandar Vujić from 150 hours to 190 hours each, and the allocation of an additional allotment of 190 hours per month following the expiration of the extra funding for disclosure-related work carried over from the adjournment period, to enable you to keep your second case manager Mr. Aleksandar Stevanović.

In support of your request, you describe the scope and complexity of your case, including the number of witnesses and exhibits, which you indicate exceeds that of prior cases before the Tribunal ranked at the highest level of complexity; the exceptional amount of disclosure in this case and the "massive disclosure violations by the OTP"; the Trial Chamber's ruling that Rule 66(B) material would not be considered in its adjournment decisions; the OTP presentation of its evidence (in particular the use of a large number of 92bis and 92ter witnesses); the "rapid rotation of witnesses" by the OTP; and the anticipated simultaneous preparation of your defence case while the prosecution case is still ongoing.

Applicable Law

I note that as a self-represented accused who claims to be indigent and requests Tribunal funding for his defence team, you receive remuneration for your defence team pursuant to the Remuneration Scheme for Self-Represented Accused ("Remuneration Scheme"), pending the outcome of the Registry's decision on your financial status.

Pursuant to paragraph 14 of the Remuneration Scheme:

The Registrar may increase the maximum allotments of hours per team member or stage [...] if the self-represented accused demonstrates unforeseeable circumstances beyond the control of the self-represented accused or defence team members, which substantially impact upon the preparation reasonably required.

Pursuant to paragraph 15 of the Remuneration Scheme:

The Registrar may increase the maximum number of defence team members (while maintaining the [...] maximum allotment of hours) if the self-represented accused demonstrates circumstances requiring such an increase [...]"

Pursuant to paragraph 16 of the Remuneration Scheme:

In deciding upon a request for an increase of the maximum allotments of hours based on unforeseeable circumstances, the Registrar shall request and take into account information from the [...] Trial Chamber, [...] on the nature of the circumstances and their impact on the preparation of

the case for the self-represented accused. Information requested will include whether the circumstances can be attributed fully or in part to the manner in which the Prosecution or the self-represented accused and/or his defence team members conducted their preparation, including their planning and organisation. [Emphasis added]

I note that the Registrar has consulted with the Trial Chamber with respect to your request, and each of the factors you present in support thereof.

After a careful review of your submissions and the Trial Chamber's input, I regret to inform you that under the existing Remuneration Scheme the Registry is not in a position to grant either of your requests. While we sympathise with the considerable workload that this case entails, the Remuneration Scheme simply does not provide for an increase in funding based on the circumstances presented.

With respect to the scope and complexity of the case, I note as a preliminary matter that the funding in your case is based on the maximum allotments allowable for a level three case under the Remuneration Scheme, and that your requests to increase the number of team members have already been granted.¹ Accordingly, a further allocation of funds can therefore only be done in accordance with Paragraphs 14 and 16 of the Remuneration Scheme. I note further that the exceptional scope of this case, including the number of witnesses and then-existing volume of disclosure was taken into account in the President's 19 February 2010 Decision on Request for Review of OLAD Decision on Trial Phase Remuneration ("President's Decision").²

On 6 April 2011, the Trial Chamber, upon consultation, stated that there was no change in the size, scope or complexity of the case since the President's Decision and the subsequent amendment of the Remuneration Scheme and allocation of 750 hours per month to your defence team. Accordingly, the Registry is not satisfied that the scope of your case is an "unforeseen circumstance [...] which substantially impact on the preparation required" in the sense of Paragraph 14 of the Remuneration Scheme.

With regard to the high volume of disclosure and the disclosure violations of the Prosecution, I note that the Trial Chamber has granted several prolonged periods of adjournment to ensure that you and your team are provided with sufficient time to cope with the preparation of the case and the ongoing review of disclosure material. I note in this regard that, as a matter of course, your defence team can (and has) invoice(d) for the same maximum allotments during these adjournment periods as during full-time sitting periods, which results in an effective increase of funds to your team. It is therefore the position of the Registry that the exceptional volume of disclosure and disclosure violations, and the additional workload resulting therefrom, have been addressed through the prolonged and fully remunerated adjournment periods.

I note your reference to the Trial Chamber's statement that disclosure pursuant to Rule 66(B) was not taken into consideration in determining the length of the adjournment periods. However, the Trial Chamber found that no additional adjournment period could be granted based on disclosure pursuant to Rule 66(B), as "the defence does not have the right to have all Rule 66(B) material provided to it prior to hearing evidence in the case" and that therefore the "timing of Rule 66(B) requests and the subsequent provision of that material should not be used as a basis for an

¹ You are currently allocated the maximum of 750 hours per month to be disbursed among 7 assigned team members. Furthermore, the Registrar has exceptionally increased the remunerable tasks for experts and the hours allocated for expert assignments to 570 hours. Finally, you were allocated an additional 6,975 hours and assigned an additional team member to deal with the exceptional amount of disclosure in the adjournment period from 26 October 2009 until 1 March 2010 and after, of which still 1,174.85 hours remain at your disposal at the time of drafting this letter.

² The President found your case "of similar complexity to a Level 3 case." See, President's Decision, para 41; 46.

adjournment of the trial.³ The same applies to the decision on whether or not to grant additional funds based on such additional disclosure: given that disclosure pursuant to Rule 66(B) is based on the requests by the defence, such disclosure is not beyond the control of the defence and can therefore not serve as justification for additional resources under the Remuneration Scheme.

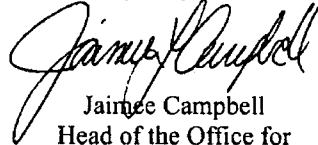
With regard to your statement that the Prosecution's use of a large number of Rule 92*bis* and 92*ter* witnesses was unforeseeable and placed an unfair burden on you and your team, I note that the Trial Chamber has advised that use of these Rules was known to you and your team since the pre-trial phase, and hence cannot be qualified as an unforeseeable circumstance. I note further in this regard that the Trial Chamber has repeatedly allowed your assigned experts to assist you in the preparation and conduct of specific cross examinations and the Registry as a result has allocated additional hours over and above what is usually granted for any other defence team for such tasks.

Finally, with respect to the simultaneous preparation of your defence case while the prosecution case is still ongoing, I note that this is an issue common to all cases before the Tribunal, and is accordingly factored into the allocated funding.

I regret that the Registry was not able to provide a more favourable response. I kindly remind you that the remedy for disputes regarding funding (and the determination of complexity) is found in Article 31(C) of the Directive on the Assignment of Defence Counsel.

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

Very truly yours,



Jaimee Campbell
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

³ See Trial Chamber's "Decision on Accused's Forty-Seventh Motion for Findings of Disclosure Violation and for Further Suspension of Proceedings" dated 10 May 2011, para 21, with further reference.

ANNEX "C"

Dr. Radovan Karadzic

8 June 2011

Ms. Jaimee Campbell
Office of Legal Aid and Detention
International Criminal Tribunal for the
former Yugoslavia
Churchillplein 1
The Hague

Dear Ms. Campbell,

I am in receipt of your letter dated 3 June 2011 in which you denied our request for additional funds for my defence.

I intend to appeal your decision to the President.

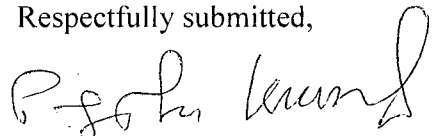
However, since my request, General Ratko Mladic has been arrested and appeared at the Tribunal, and the prosecution has announced that it is considering a motion to join his trial with mine. I may also consider filing such a motion after consulting with General Mladic and his defence team.

The arrest of General Mladic is an unforeseen circumstance which has not yet been taken into consideration by OLAD or the President in its allocation of resources to my team. Already, additional work has been required by my team to file a motion for access to confidential material in the *Mladic* case and I may file a motion to strike Scheduled Incident E12 from my indictment as the result of its having been stricken by the Confirming Judge in the *Mladic* case. If the *Mladic* case proceeds separately from mine, I will need to monitor it and obtain transcripts. If it is joined, any number of additional tasks may be needed, depending on the scope and form of the joinder.

Therefore, I have decided to delay my appeal to see what develops over the next few weeks. I am not aware of any deadline to file an appeal under Article 31(C) of the Directive on the Assignment of Counsel. However, I wanted to let you know of my disappointment with your decision and my intention to appeal it.

Thank you very much for your cooperation.

Respectfully submitted,



Radovan Karadzic