

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: 9 November 2010

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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SUPPLEMENTAL MEMORANDUM IN SUPPORT OF  
MOTION FOR ORDER FOR  
PRODUCTION OF VAN BAAL NOTES

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The Office of the Prosecutor:

Mr. Alan Tieger

Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. On 28 October 2010, Dr. Radovan Karadzic moved for an order directing prosecution witness General Adrianus van Baal to produce the contemporaneous notes he made during his time in Sarajevo.

2. On 4 November 2010, through the Registry, Dr. Karadzic received two pages of notes voluntarily provided by General van Baal concerning his meeting with General Manojlo Milovanovic on 16 March 1994. The notes, which are attached to this pleading as Annex "A", make no mention of General Milovanovic's alleged threat that the Serbs would start shooting at the trams.

3. Dr. Karadzic expresses his appreciation to General van Baal for voluntarily producing those notes. Dr. Karadzic requests that General van Baal be recalled for further cross examination, as he believes it is fair to give General van Baal the opportunity to explain the absence of the reference to the tram in his notes. However, if the Trial Chamber prefers not to inconvenience the General or to spend any more of its time on the matter, Dr. Karadzic requests admission of the notes from the bar table.

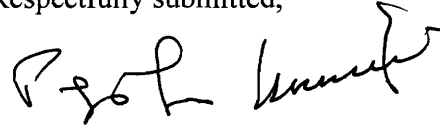
4. The notes qualify for bar table admission because they are authentic (having been produced as such by General van Baal himself) relevant (deal with responsibility for sniping at trams—acts attributed to Dr. Karadzic in the indictment) and they advance Dr. Karadzic's case (absence of reference to the trams indicates that General van Baal's testimony about the statement of General Milovanovic may not be correct).

5. The detailed nature of the notes of this one meeting, and the contradiction of the notes with General van Baal's testimony, indicate that production of all of General van Baal's notes during his time in Sarajevo, excluding personal matters, is necessary for a fair trial. Therefore Dr. Karadzic maintains his request for an order to General van Baal for production of the remainder of his notes.

6. Dr. Karadzic would have no objection, however, if the Trial Chamber, through the Victims and Witness Unit, were to first make further efforts to persuade General van Baal to produce the remainder of his notes voluntarily.

Word count: 433

Respectfully submitted,

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

Radovan Karadzic

# **ANNEX “A”**



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14.40 Police 67 mar flit

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① Reorganisation rdvlis / ~~Baridacm~~ / Police

② Dulchbat / Redeployments in BHC

③ COMMR Intentions and priorities

④ 9