

MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

CASE No. MICT-13-55-A

THE APPEALS CHAMBER

Before: Judge Theodor Meron  
Judge William Hussein Sekule  
Judge Vagn Prusse Joensen  
Judge Jose Ricardo de Prada Solaesa  
Judge Graciela Susana Gatti Santana

Registrar: Mr. John Hocking

Date: 10 May 2016

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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WITHDRAWAL OF  
MOTION FOR DISCLOSURE  
OF RECORDING

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The Office of the Prosecutor:

Mr. Serge Brammertz  
Mr. Mathias Marcussen  
Ms. Laurel Baig  
Ms. Barbara Goy  
Ms. Katrina Gustafson

Counsel for Radovan Karadzic:

Mr. Peter Robinson

1. Dr. Radovan Karadzic hereby withdraws his *Motion for Disclosure of Recording* (29 April 2016).

2. The motion requested an order that the prosecution make an exhaustive search for the recording of the intercepted conversation of 13 July 1995 between Dr. Karadzic and Miroslav Deronjic, disclose it to the defence if and when located, and if not located, provide a detailed explanation of its efforts to locate the recording and the reasons it is not available.

3. On 9 May 2016, there was filed the *Prosecution Response to Karadzic Motion for Disclosure of Recording*. In its response the prosecution has done voluntarily what Dr. Karadzic asked that it be ordered to do. Therefore, the motion is moot.

4. Dr. Karadzic expresses his appreciation to the prosecution for once again searching for the recording.

5. Dr. Karadzic wishes to note, however, that the prosecution misunderstands his position concerning the conversation.<sup>1</sup> His contention that he was referring to the ICRC inspected Batkovic Prison, and not Zvornik, during this conversation, is the same as he made to the Trial Chamber.<sup>2</sup> It is also the same as the understandings of Miroslav Deronjic and Dragomir Vasic.<sup>3</sup>

6. The recording, had it been preserved, may have contained additional words or phrases that do not appear in the transcript that could have supported the understanding of the conversation held by its participants. Dr. Karadzic's request to order the prosecution to locate and disclose the recording was an effort to bring the very best evidence before the Appeals Chamber. It is a shame that the recording no longer exists.

Word count: 379

Respectfully submitted,



PETER ROBINSON

Counsel for Radovan Karadzic

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<sup>1</sup> *Response* at para. 4

<sup>2</sup> T47942

<sup>3</sup> Deronjic: *Prosecutor v Milosevic*, No. IT-02-54-T, T29708-09 (26 November 2003); Vasic: *Prosecutor v Perisic*, No. IT-04-81-T, T6481-82 (25 May 2009)