

Karadzic Demands Disclosure of Immunity Deal Evidence

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He wants prosecutors to hand over transcripts of conversations related to alleged arrangement. Former Bosnian Serb president Radovan Karadzic has asked Hague tribunal prosecutors to disclose further evidence relating to an alleged deal between him and a US envoy, which the defendant claims granted him immunity from prosecution.

Karadzic, the suspected architect of mass war crimes, told a pre-trial hearing this week that the prosecution had not fulfilled its obligation to fully disclose evidence relating to the so-called deal to the defence.

He particularly wants a transcript of an alleged meeting between ex-NATO General Wesley Clarke and former tribunal prosecutor Louise Arbour, at which he says they discussed the deal.

The defendant is also seeking transcripts of other conversations he said took place about the alleged agreement with US diplomat Richard Holbrooke in 1996, which Karadzic claims granted him immunity from prosecution in return for standing down from Serbian politics and public life.

Since his capture in July last year after 13 years on the run, the defendant has repeatedly alleged that such a deal was made.

Judges ruled on December 17 that even if any such agreement existed, it would have no bearing on the Hague tribunal trial. They consequently denied most of Karadzic's requests for evidence of the supposed deal to be disclosed, ordering the prosecution to hand over a limited number of documents, while ruling that others did not merit disclosure.

However, this week, judges allowed Karadzic to appeal their decision on the significance of the alleged deal.

The defendant, meanwhile, continued to argue that the documents in question were vital to his case.

"If the prosecution fails to disclose what is crucial to the defence... this is tantamount to efforts to obstruct the defence," said Karadzic in court.

"In this transcript [of the alleged Clarke-Arbour meeting], there are clear elements that corroborate my arguments," said Karadzic, who had apparently heard of this supposed meeting from testimony given at some point by former spokesperson for the prosecution at the Hague tribunal Florence Hartmann.

The defendant maintained that the alleged transcripts "undoubtedly exist", claiming that the prosecution's own staff had confirmed it.

"I'm afraid the trial chamber underestimates the corroborative value of all these documents," he said. "It is very important to support what I am claiming."

Judge Iain Bonomy, who is presiding over pre-trial proceedings, suggested that Karadzic apply to the judges for the said material to be disclosed.

However, he warned him against making blanket requests for anything that could help his case.

"If you wish to challenge the prosecution's refusal to disclose anything that relates to that [alleged agreement with Holbrooke] then the way to do it is to make a specific application to the trial chamber," said Judge Bonomy, adding that he may wish to wait until appeal judges rule on the relevance of the reported deal.

Parties also used this week's court time to discuss the prosecution's bid to amend the charges against Karadzic. The defendant has now received translations of over 5,000 pages of evidence supporting the prosecution's request it submitted back in September.

If approved by judges, the new charges will see Karadzic tried on two separate counts of genocide in an 11-count indictment for war crimes and crimes against humanity committed in Bosnia between 1992 and 1995.

Karadzic will respond to the proposed charges before judges rule on whether to accept them. The defendant confirmed he would respond by January 28.

At the end of this week's hearing, Karadzic objected to an incident in which he says his family's home in Pale, in the Bosnian Serb entity of Republika Srpska, was stormed by NATO forces at 3 am on December 2, 2008.

He said the raid, which he described as a "Gestapo-like attack", was carried out on the orders of the tribunal in its bid for information about the two remaining fugitives, Ratko Mladic and the former Croat Serb leader Goran Hadzic.

He said the forces wanted his wife, who is a psychiatrist, to give them information about the fugitives' mental health.

Mladic is the former military commander allegedly behind some of the worst atrocities in the former Yugoslav war, notably the massacre of around 8,000 Bosniak men and boys at Srebrenica.

Judge Bonomy repeatedly interrupted the defendant to explain that the matter was beyond his or the tribunal's control. He advised Karadzic to contact NATO's central office in Brussels to pursue the matter.

A congested trial schedule at the tribunal meant no fixed date could be set for the next pre-trial hearing. However, Judge Bonomy said it would take place around February 19.

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