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International
Criminal Tribunal
for the Former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

Office of the
Prosecutor

Bureau du
Procureur

Case No. IT-95-5/18

10 February 2010

Response to your request for materials from ICMP during the recent status conference as well as Mr. Sladojević's e-mail dated 29 January 2010

Dear Mr. Karadžić,

The Prosecution will of course once again contact ICMP on your behalf if you wish and we will continue to try to facilitate the provision of necessary materials to your office.

However, I must address several points in Mr. Sladojević's email of 29 January 2010, which is attached to this letter for your convenience. First, as we have made clear on several occasions (see *i.e.* our letter of 30 December 2009): the ICMP is an independent third-party organisation with its own mandate. The Prosecution is unable to simply, "contact the ICMP and disclose to Šthe Defence for Mr. KaradžićĆ the entirety of family DNA profiles held on ICMP's databases." In addition, the Prosecution does not possess these databases and therefore is not in a position to disclose them.

Second, our understanding is that the ICMP has thus far declined to disclose to any party the "entirety" of its family DNA profiles because this would constitute a breach of the assurances provided in the consent forms signed by the family donors. As discussed with your associate Mr. Sladojević, the issue is not simply one of providing the data "without names", as the donors have been promised that their DNA data will not be disclosed, not merely that their names will not be disclosed or that any disclosure of DNA data would be anonymous. At a meeting on 30 September 2009, Mr. Sladojević agreed that it was *not* necessary for you to have the entire database in order to select the 300 true random samples. Yet, at the status conference on 28 January 2010 at TR:741 you stated "We are prepared to receive the material without any names, but we cannot make samples until we get the entire database with all the DNA information we need and all the genetic material that we should look into" and in the email, Mr. Sladojević now states that you need the entire database in order to "be absolutely certain that no modifications would or could be made in the family DNA data base upon our selection and disclosure of 300 random cases." I am glad that you have indeed begun the selection process and there is no reason I can see why, if the selection is truly random, that ICMP could not now begin to obtain the consent necessary to release the relevant data to your team.

Finally, as to the inquiry in Mr. Sladojević's e-mail regarding "whether the ICMP holds data base for locations other than the Srebrenica one, and if so, were the bones allegedly connected with the Srebrenica graves analysed against the information contained in those other data base", we do not have a precise answer to these questions. The Prosecution can contact ICMP for you regarding these questions, but it is not clear why you do not have your experts, who have been in direct contact with ICMP, contact ICMP again with your technical questions. It may also be useful for you to review the testimony of Mr. Thomas Parsons, ICMP Director of Forensic Sciences, given on 1 February 2008 and 29 April 2009 in the case of *Prosecutor v. Popović et. al.*, in which he describes in detail the

standard operating procedures used by ICMP. These two days of testimony were disclosed to you on 26 January 2009 and 07 May 2009, respectively.

The Prosecution is willing to discuss further questions with you or your associates as needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "H. Uertz-Retzlaff". The signature is written in a cursive style with some loops and flourishes.

Hildegard Uertz-Retzlaff
Senior Trial Attorney