

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-05/18-PT

IN TRIAL CHAMBER No. 3

Before: Judge Iain Bonomy, Presiding
Judge Michele Picard
Judge Christoph Flugge

Registrar: Mr. Hans Holthuis

Date Filed: 16 December 2008

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION FOR LEAVE TO REPLY:
RULE 68/70 DISCLOSURE

The Office of the Prosecutor:

Mr. Allan Tieger
Mr. Mark Harmon

The Accused:

Radovan Karadzic

1. On 3 December 2008, Dr. Karadzic filed his *Motion for Disclosure of Rule 68 Material Obtained Under Rule 70*.

2. On 10 December 2008, there was filed the *Prosecution Response to Motion for Disclosure of Rule 68 Material Obtained Under Rule 70*.

3. Dr. Karadzic now seeks leave to reply to simply suggest a way forward in light of the prosecution's response.

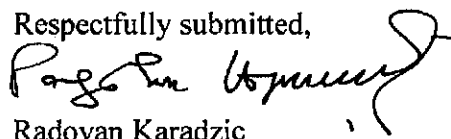
4. The prosecution represents that is "fully complying" with its obligation to disclose Rule 68 material.¹ It also offers to continue to provide the Trial Chamber with regular reports on the status of disclosure.²

5. Dr. Karadzic respectfully suggests that the Trial Chamber order such regular reports, and that it order that such reports include the number of Rule 68 documents, if any, that Rule 70(B) providers have not authorized be disclosed to the accused.³

6. This will provide a mechanism which will address Dr. Karadzic's concern that exculpatory material under Rule 68 not be withheld from disclosure to him by the operation of Rule 70(B) and will allow the Trial Chamber to manage any problems of late disclosure or non-disclosure of such material

Word count: 260

Respectfully submitted,



Radovan Karadzic

¹ *Response* at para. 3

² *Response* at para. 13

³ Dr. Karadzic notes that the ERN number of a Rule 70(B) document recently disclosed to him was #R1117620. He understands the "R" series to represent Rule 70 material. This indicates a huge number of documents have been provided to the Office of the Prosecutor pursuant to Rule 70.