

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 Christoph Flugge
Judge Michele Picard

Acting Registrar: Mr. John Hocking

Date Filed: 24 February 2009

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public WITH CONFIDENTIAL ANNEXES

MOTION FOR EXTENTION OF TIME TO FILE
RESPONSE TO PROSECUTION MOTION FOR
RECONSIDERATION

The Office of the Prosecutor:

Mr. Alan Tieger
Mr. Mark Harmon

The Accused:

Radovan Karadzic

No. IT-95-5/18-PT

1. Dr. Radovan Karadzic respectfully moves for an extension of time in which to file a response to the *Prosecution Motion for Reconsideration of the Trial Chamber's Decision to Amend the First Amended Indictment* (18 February 2009).

2. At the status conference of 20 February 2009, the Trial Chamber fixed the date of 25 February 2009 for a response to this motion.

3. Dr. Karadzic is unable to adequately respond to this motion because the Registry has failed to provide him with adequate facilities to review the supporting material in a timely fashion and to receive the advice of his legal advisors on this issue.

4. On 14 January 2009, Dr. Karadzic requested the assignment of Mr. Marko Sladojevic as a legal associate. Mr. Sladojevic's duties were to review and organize the supporting material and other disclosure and to assist Dr. Karadzic with the factual issues in the case.

5. The Registry delayed the appointment of Mr. Sladojevic and therefore Dr. Karadzic was unable to make submissions on the sufficiency of the supporting material when responding to the *Motion to Amend the First Amended Indictment* on 28 January 2009.

6. On 4 February 2009, the Office of Legal Aid and Detention refused to assign Mr. Sladojevic as legal associate, citing a conflict of interest with his work on the *Krajisnik* case.¹ Therefore, while treating legal associates as support staff for remuneration purposes, the Registry treated them as counsel for conflict of interest purposes.

7. Dr. Karadzic sought reconsideration of this decision from Acting Registrar John Hocking in a letter of 6 February 2009.² No response to the request for reconsideration has yet been received.

8. Dr. Karadzic considers this to be a fair trial issue which he will bring to the attention of the Trial Chamber by motion if his request for reconsideration is denied.

9. Meanwhile, however, Dr. Karadzic is not in a position to analyze the supporting material in sufficient scope and detail to respond to the prosecution's reconsideration motion.

¹ The letter from OLAD is attached as Annex "A"

² This letter is attached as Annex "B"

10. Moreover, Dr. Karadzic would like to consult with his legal advisor, Peter Robinson, concerning the legal implications of the motion for reconsideration, and particularly on the legal issue as to whether the lack of diligence on the part of the prosecution may constitute grounds for objecting to further amendments to the indictment.

11. However, the Registrar only allows Mr. Robinson to travel to The Hague for three days per month. Mr. Robinson has already been in The Hague in early February and is scheduled to return to The Hague on 5 March 2009. Dr. Karadzic would like the opportunity to consult with him prior to filing his response.

12. Because the Registrar only compensates legal associates at the rate of support staff, they cannot afford to work on Dr. Karadzic's case full time. This limits the ability of Dr. Karadzic to respond quickly to short deadlines such as the one imposed by the Trial Chamber for the motion for reconsideration. Mr. Robinson has already been asked to devote a substantial amount of his free time this month to the two pending appeals in this case.

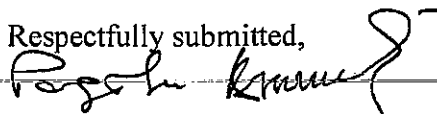
13. Dr. Karadzic notes that pursuant to the practice direction, he would normally have 14 days to respond to a motion from the date he received it in the Serbian language.

14. Dr. Karadzic further notes that in the period of 18-20 February 2009 leading up to the status conference, he was served with 15 pleadings. He cannot reasonably be expected to react to material received at the last minute on important issues which affect his rights and his freedom. He urges the prosecution and the Trial Chamber to organize its work so that he is not disadvantaged in this way in the future.

15. Therefore, it is respectfully requested that the date for responding to the prosecution motion be set at 14 days after the assignment of Marko Sladojevic as legal associate for Dr. Karadzic's team.

Word count: 752

Respectfully submitted,



Radovan Karadzic