

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 Flügge
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

Date: 9 April 2009

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION ON THE MODALITIES OF
RULE 66(A)(ii) DISCLOSURE

The Office of the Prosecutor:

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. In its *Order Following on Status Conference and Appended Work Plan* (6 April 2009), the Trial Chamber ordered the prosecution to complete its disclosure of witness statements and testimonies pursuant to Rule 66(A)(ii) no later than 7 May 2009.

2. Dr. Radovan Karadzic respectfully moves the Trial Chamber, pursuant to Rule 54, to order the prosecution to communicate the disclosure to him on an external drive.

3. The external drive shall contain a folder for each witness, listed in alphabetical order.

4. Each witness folder shall include sub-folders containing:

- (A) the prior statements of the witness,
- (B) the prior testimony of the witness, segregated by the case in which the testimony was given,
- (C) any exhibits to be offered through the witness
- (D) any Rule 68 material which may affect the credibility of this witness
- (E) an index to all of the above-material, hyperlinked so that the applicable document may be retrieved by clicking on the index item

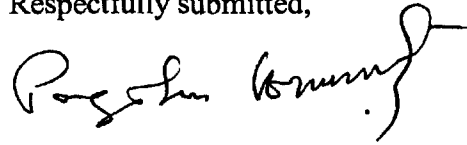
5. This will allow Dr. Karadzic to have all of the witness material in one place and be able to retrieve it readily. It is necessary under the circumstances of this case, since the work plan of the Trial Chamber provides him with too small of a time period to review too much material, in a language he knows too little of.

6. Dr. Karadzic also moves to exclude the testimony of any witness whose statements and transcripts are not disclosed by 7 May 2009, unless they are subject to a protective order varying the time for such disclosure. In particular, Rule 70 providers should not be able to supersede the Trial Chamber's disclosure regime, and deny the accused adequate time and facilities to prepare his defence, by delaying their consent to disclosure. If they do, the consequences should be the exclusion of the testimony of any such witness.¹

¹ *Prosecutor v Milutinovic et al*, No. IT-05-87-AR73.1, *Decision on Interlocutory Appeal Against Second Decision Precluding the Prosecution from Adding General Wesley Clark to its 65 ter Witness List* (20 April 2007) at para. 20

Word count: 415

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Radovan Karadzic', with a stylized flourish at the end.

Radovan Karadzic