



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-95-5/18-PT
Date: 5 May 2009
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

Decision of: 5 May 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON MOTION FOR FURTHER DISCLOSURE AND EXTENSION OF TIME
TO REPLY WITH RESPECT TO THE MOTION TO DISMISS FOR ABUSE OF
PROCESS**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seized of the Accused’s “Motion for Further Disclosure and Extension of Time to Reply: Motion to Dismiss for Abuse of Process”, filed on 4 May 2009 (“Motion”), and hereby renders its decision thereon.

1. In the Motion the Accused refers to his earlier “Motion to Dismiss for Abuse of Process”, filed on 14 April 2009 (“Motion for Abuse of Process”) and the “Prosecution’s Response to Motion to Dismiss for Abuse of Process”, filed on 27 April 2009 (“Response”). He argues that the Prosecution, in its Response, failed to provide any detail as to the reasons behind two searches conducted at the properties of his family members. Accordingly, he requests that the Chamber order the Prosecution to disclose, pursuant to Rules 66(B) and 68 (i) any documents in its possession concerning the 2 December 2008 search, and (ii) any documents showing justification for the search of 27 March 2009.¹ In addition, the Accused requests that the Trial Chamber issue an order to NATO, pursuant to Rule 54 *bis*, for information in its possession showing the justification for the 2 December 2008 search, and “any contact it had with the [Prosecution] concerning this search.”² Finally, the Accused requests an extension of time in which to seek leave to reply to the Response “until a reasonable time after the necessary disclosure is made.”³

2. The Prosecution has not yet responded to the Motion, and in light of its determination in the next paragraph, the Chamber is of the view that it does not need to hear from the Prosecution on this matter at this time.

3. The Chamber notes that the next status conference in this case has been scheduled for 6 May 2009, and that the Motion for Abuse of Process is one of the matters that will be discussed at that hearing. Accordingly, the Chamber is of the view that the Accused’s Motion is premature and that it is not necessary for him to file any reply to the Prosecution’s Response at this time.

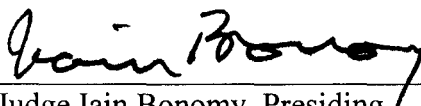
¹ Motion, paras. 1–10.

² Motion, para. 11.

³ Motion, para. 12.

4. For the reasons outlined above, pursuant to Rule 54 of the Rules of Procedure and Evidence, the Trial Chamber hereby **DENIES** the Motion, without prejudice.

Done in English and French, the English text being authoritative.


Judge Iain Bony, Presiding

Dated this fifth day of May 2009
At The Hague
The Netherlands

[Seal of the Tribunal]