



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: 16 July 2009

Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Decision of: 16 July 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON PROSECUTION REQUEST FOR LEAVE TO REPLY:
RULE 92 *QUATER* MOTION (SIXTEEN WITNESSES)**

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”),

BEING SEISED OF the “Prosecution Request for Leave to Reply to the ‘Response to Prosecution 92 *quater* Motion: Sixteen Witnesses’”, filed on 15 July 2009 (“Motion”);

CONSIDERING that, in the Motion, the Office of the Prosecutor (“Prosecution”) states that its proposed reply would address the following issues raised by the Accused’s “Response to Prosecution 92 *quater* Motion: Sixteen Witnesses”, filed on 10 July 2009 (“Response”): (i) the admission of evidence concerning acts and conduct of the accused and critical issues, as well as the Accused’s characterisation of the degree of corroboration required for admission; (ii) the basing of a conviction on the evidence of witnesses who have not been cross-examined by the accused himself; and (iii) a number of witness-specific issues raised in the Accused’s Response;¹

NOTING that issues that have already been addressed by the Prosecution need not be reiterated in the reply, and that only new issues that arise from the Accused’s Response should be addressed in the Prosecution’s reply;

NOTING that, as far as the issues under (i) above are concerned, the Prosecution has already made its position clear in a reply to the Accused’s response regarding another Rule 92 *quater* witness, thereby making the need for yet another reply on these issues unnecessary;²

CONSIDERING therefore that it would be in the interests of good case management to allow the Prosecution to reply to the Response, but only insofar as the reply addresses issues under (ii) and (iii) above;

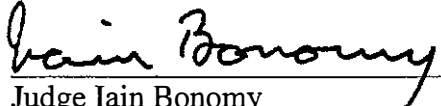
PURSUANT TO Rules 54, 65 *ter*, and 126 *bis* of the Rules of Procedure and Evidence,

¹ Motion, paras. 1–2.

² Decision on Prosecution Request for Leave to Reply: Rule 92 *quater* Motion (Witness KDZ290), 6 July 2009. Compare Response to Prosecution 92 *quater* Motion: Witness KDZ290, 30 June 2009, paras. 12–15 with Response to Prosecution 92 *quater* Motion: Witness KDZ198, 10 July 2009, para. 5. See also Prosecution Reply to the “Response to Prosecution 92 *quater* Motion: Witness KDZ290”, 7 July 2009, paras. 3–4.

HEREBY GRANTS the Prosecution leave to reply to the Accused's Response to address issues outlined in (ii) and (iii) above, within the deadline prescribed by the Rules and, thus, by no later than 17 July 2009.

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


Judge Iain Bonomy
Presiding

Dated this sixteenth day of July 2009
At The Hague
The Netherlands

[Seal of the Tribunal]