



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 (WITNESS KDZ198)**

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: Witness KDZ198’”, filed on 14 July 2009 (“Motion”);

CONSIDERING that, in the Motion, the Office of the Prosecutor (“Prosecution”) states that its proposed reply would address issues raised by the Accused’s “Response to Prosecution 92 *quater* Motion: Witness KDZ198”, filed on 10 July 2009 (“Response”), concerning the law applicable to the admission of evidence under Rule 92 *quater*, specifically, 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;

NOTING that the Prosecution has already replied, having been granted leave to do so, to the Accused’s response in relation to another Rule 92 *quater* witness, and that that reply was concerned with the same issues raised by the current Response and to be addressed by the proposed reply;¹

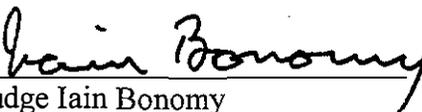
CONSIDERING that, since the Chamber already knows what the Prosecution’s position on the above mentioned issues is, it would not be in the interests of good case management to allow the Prosecution to reply to the Response;

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

¹ 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 DENIES the Prosecution leave to reply to the Accused's Response.

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]