



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***

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**DECISION ON PROSECUTION REQUEST FOR LEAVE TO REPLY:  
RULE 92 *QUATER* MOTION (WITNESS KDZ198)**

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**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;<sup>1</sup>

**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;

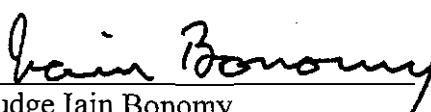
**PURSUANT TO** Rules 54, 65 *ter*, and 126 *bis* of the Rules of Procedure and Evidence,

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<sup>1</sup> 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]**