



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

IT-95-5/18-PT
D23274 - D23272
24 JULY 2009

23274
PK

Case No.: IT-95-5/18-PT

Date: 24 July 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Pre-trial Judge

Registrar: Mr. John Hocking

Order of: 24 July 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**INTERIM ORDER ON FILING OF RESPONSES TO RULE 92 *BIS* MOTIONS ONE TO
SEVEN**

Office of the Prosecutor:

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused:

Mr. Radovan Karadžić

I, Iain Bonomy, Judge 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”);

NOTING that the Trial Chamber is seised of the following Rule 92 *bis* motions filed by the Prosecution on 29 May 2009: “Prosecution’s First Motion for Admission of Statements and Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Witnesses for Eleven Municipalities)”; “Prosecution’s Second Motion for Admission of Statements and Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Witnesses Ark Municipalities)”; “Prosecution’s Third Motion for Admission of Statements and Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Witnesses for Sarajevo Municipalities)”; “Prosecution’s Fourth Motion for Admission of Statements and Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Sarajevo Siege Witnesses)”; “Prosecution’s Fifth Motion for Admission of Statements and Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Srebrenica Witnesses)”; “Prosecution’s Sixth Motion for Admission of Statements in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Hostage Witnesses)”; “Prosecution’s Seventh Motion for Admission of Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Delayed Disclosure Witnesses)”, as well as the “Corrigendum to Confidential and *ex parte* Appendices A and B of the Prosecution’s Seventh Motion for Admission of Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Delayed Disclosure Witnesses)”, filed on 11 June 2009, and the “Addendum to the Prosecution’s Seventh Motion for Admission of Transcripts of Evidence in Lieu of *viva voce* Testimony pursuant to Rule 92 *bis* (Delayed Disclosure Witnesses)”, filed on 15 June 2009” (“Rule 92 *bis* Motions”);

NOTING that, on 8 July 2009, the Accused filed his “Omnibus Response to Rule 92 *bis* Motions” (“Omnibus Response”), in which “he opposes all Rule 92 *bis* applications, for every witness, and requests to cross examine all witnesses” and “suggests” that the Trial Chamber “defer its decision on Rule 92 *bis* issues until the end of the prosecution’s case”;¹

NOTING that in the Status Conference held on 23 July 2009, I advised the parties that the Trial Chamber is unlikely to decide upon the admission of evidence pursuant to Rule 92 *bis* of the

¹ Omnibus Response, paras. 3, 6.

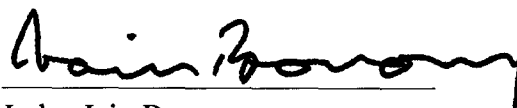
Tribunal's Rules of Procedure and Evidence ("Rules") during the pre-trial phase and that the Rule 92 *bis* motions will likely be dealt with when the Chamber to conduct the trial is assigned;²

NOTING further that I informed the Accused that, should he obtain additional information relevant to the Rule 92 *bis* motions, he could ask the Chamber to allow him to file responses to those motions up until the Chamber has made its decisions on them;³

PURSUANT TO Rule 54 of the Rules;

HEREBY CONFIRMS that the Accused may seek leave to file responses to the Rule 92 *bis* motions up until the Trial Chamber issues its decisions on those motions.

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



Judge Iain Bony
Presiding

Dated this twenty-fourth day of July 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

² Status Conference, T. 370 (23 July 2009).

³ *Ibid.*