



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-T

Date: 30 October 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 30 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON PROSECUTION REQUEST FOR LEAVE TO REPLY
TO "RESPONSE TO PROSECUTION'S MOTION FOR
PROTECTIVE MEASURES FOR WITNESS KDZ487"**

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’s Motion for Protective Measures for Witness KDZ487’”, filed on 28 October 2009 (“Motion”).

CONSIDERING that, in the Motion, the Office of the Prosecutor (“Prosecution”) states that its proposed reply would address the following two issues raised by the Accused’s “Response to Prosecution’s Motion for Protective Measures for Witness KDZ-487”, filed on 27 October 2009 (“Response”): “(i) the misleading conflation of the standards for granting trial-related conditions or protective measures under Rules 70 and 75” of the Tribunal’s Rules of Procedure and Evidence (“Rules”); and “(ii) the erroneous suggestion that the Rule 70 provider’s justification for seeking the trial-related conditions is necessarily relevant in determining whether trial-related conditions may be granted pursuant to Rule 70 of the Rules”;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;

CONSIDERING that further submissions from the Prosecution may be of assistance to the Chamber in deciding the Motion, but only insofar as the reply addresses issues under (i) and (ii) above;

PURSUANT TO Rules 54 and 126 *bis* of the Rules,

¹ Motion, paras. 1–2.

HEREBY GRANTS the Prosecution leave to reply to the Response to address the issues outlined under (i) and (ii) above, within the deadline prescribed by the Rules.

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



Judge O-Gon Kwon
Presiding

Dated this thirtieth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]