



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: 3 November 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:** 3 November 2009

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**DECISION ON THE ACCUSED'S MOTION FOR LEAVE TO REPLY: *NON BIS IN IDEM*  
MOTION**

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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 Accused’s “Motion for Leave to Reply: *Non Bis In Idem* Motion” filed on 2 November 2009 (“Motion”);

**NOTING** that, in the Motion, the Accused seeks leave to reply to portions of the “Prosecution Response to Karadžić’s ‘Motion for Finding of *Non-Bis-In-Idem*’” filed on 26 October 2009 (“Response”), which argue that the Trial Chamber should not decide the merits of his “Motion for Finding of *Non-Bis-In-Idem*” filed on 9 October 2009 (“Motion of 9 October 2009”);


**NOTING** that, in the Motion, the Accused states that he seeks leave to reply in order to enumerate legal and policy reasons as to why the Trial Chamber must decide the Motion of 9 October 2009 on its merits;

**CONSIDERING** that the Chamber would benefit from hearing from the Accused in reply to the Response, but only insofar as the reply addresses new issues arising from that Response;

**PURSUANT TO** Rules 54 and 126 *bis* of the Tribunal’s Rules of Procedure and Evidence,

**HEREBY GRANTS** the Accused leave to reply to the Response, by no later than 6 November 2009.

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

  
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Judge O-Gon Kwon  
Presiding

Dated this third day of November 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**