



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: 20 February 2014

Original: English

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**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. John Hocking

**Order of:** 20 February 2014

**PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**ORDER REGARDING THE CLOSE OF THE DEFENCE CASE**

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**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**Standby Counsel**

Mr. Richard Harvey

**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”),

**NOTING** that the presentation of the Accused’s defence case (“Defence case”) is drawing to a close with the testimony of the last witness, KDZ584, scheduled for 3 March 2014;<sup>1</sup>

**NOTING** that a number of evidence-related motions filed by the Accused are currently pending before the Chamber and that he has indicated he will tender evidence from the bar table;<sup>2</sup>

**NOTING** that the status of a number of documents tendered for admission by the Office of the Prosecutor (“Prosecution”) and the Defence also remains pending;<sup>3</sup>

**RECALLING** its “Scheduling Order on Close of the Prosecution Case, Rule 98 *bis* Submissions, and Start of the Defence case” issued on 26 April 2012 (“2012 Scheduling Order”), wherein the Chamber had ordered the Prosecution to file any evidence-related motion no later than 4 May 2012, when the last Prosecution witness was expected to testify;<sup>4</sup>

**CONSIDERING** that the Defence case can only be deemed closed once the Chamber has ruled on all evidence-related motions filed by the Accused;

**CONSIDERING** further that pursuant to Rule 86(A) of the Tribunal’s Rules of Procedure and Evidence (“Rules”), closing arguments may be heard only when “all the evidence” has been presented;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Article 20(1) of the Tribunal’s Statute, as well as Rules 54 and 86 of the Rules

**ORDERS** that:

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<sup>1</sup> Amended Notice to Government of Croatia of Date of Testimony of Witness KDZ584, 19 February 2014, para. 1. The Chamber notes that during the hearing of 20 February 2014, the Accused stated that he had decided not to testify, *see* page 77 of the unrevised transcript of 20 February 2014.

<sup>2</sup> *See for instance* Motion to Admit Testimony of Borivoje Jakovljević Pursuant to Rule 92 *quater*, 21 January 2014; Motion to Admit Statement Pursuant to Rule 92 *bis*: Miloš Tomović, 29 January 2014; *see also* T. 47079 (14 February 2014).

<sup>3</sup> *See for instance* MFI P6576, MFI P6628, MFI D4141, and MFI D4142.

<sup>4</sup> 2012 Scheduling Order, paras. 15–16.

- i) the Accused shall file any additional evidence-related motions, such as bar table motions, no later than 3 March 2014;
- ii) the parties shall file submissions on any exhibit-related matter, including on documents that remain currently marked for identification, no later than 17 March 2014; and

**DECIDES** that:

- iii) any outstanding evidence or exhibit-related issue not addressed by the parties in accordance with (i) to (ii) above shall not be considered by the Chamber; and
- iv) the Defence case shall be considered closed on the day that the Chamber issues its decision on the last pending evidence-related motion filed by the parties within the deadlines prescribed in (i) above.

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



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Judge O-Gon Kwon  
Presiding

Dated this twentieth day of February 2014  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**