

IT-95-5/18-T
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04 JULY 2011

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

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

Registrar: Mr. John Hocking

Date: 4 July 2011

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public w/Confidential Annexes

FIFTY-FOURTH MOTION FOR FINDING OF DISCLOSURE
VIOLATION AND FOR SANCTIONS
(KDZ240)

The Office of the Prosecutor:

Mr. Alan Tieger

Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. Dr. Radovan Karadzic respectfully moves for a finding that the prosecution has once again violated Rule 68, by failing to disclose, as soon as practicable, three exculpatory documents related to the testimony of Witness KDZ240.

2. The documents were disclosed to Dr. Karadzic on the Friday afternoon before the Monday that the witness was scheduled to testify. Information provided to Dr. Karadzic from the originator of these documents indicates that they have been in the possession of the prosecution for a considerable time.

3. Because of the protective measures granted for Witness KDZ240, Dr. Karadzic attaches the exculpatory material and the prosecution's disclosure letter as confidential annexes to this motion.

4. The Trial Chamber is respectfully requested to make a specific finding that the prosecution has violated Rule 68 by failing to timely disclose the three documents.

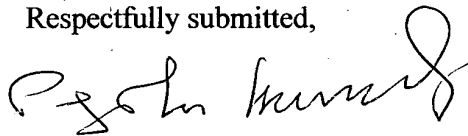
5. The Trial Chamber is further requested to require the prosecution to explain how these documents were missed in its searches for exculpatory material.

6. The Trial Chamber is further requested to postpone the cross examination of Witness KDZ240 until after the summer recess so that the defence can digest and investigate the new material.

7. Dr. Karadzic reiterates his request that the Trial Chamber take more robust steps to protect his right to a fair trial, such as the appointment of a Special Master for disclosure, and a reduction in the scope of this obviously unmanageable case.

Word Count: 330

Respectfully submitted,



Radovan Karadzic