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l'ex-Yougoslavie

Section des
Services
d'administration et
d'appui judiciaire

CASE/AFFAIRE NO. IT-95-5/18-T (R. KARADŽIĆ) DATE 30 January 2012

FROM/DE RAM DORAISWAMY, COURT OFFICER

TO/A

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<input checked="" type="checkbox"/> Registrar/Deputy Registrar/Greffier/Greffier adjoint MS. T. DAWSON	<input checked="" type="checkbox"/> VWS Coordinator/Coordinateur de la SVT MR. A. DE WITT	
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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: 30 January 2012

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public w/ Confidential annexes

68th MOTION FOR FINDING OF DISCLOSURE
VIOLATION AND FOR REMEDIAL MEASURES
(JANUARY 2012)

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 violated Rule 68 by failing to timely disclose benefits that it promised to and/or conferred upon Witnesses KDZ045 and KDZ072.

2. On 18 January 2012, the prosecution disclosed letters and memoranda it had sent to national authorities in which it sought and obtained benefit for Witness KDZ045.¹ On 27 January 2012, the prosecution disclosed a similar letter it had sent for Witness KDZ072.

3. Witness KDZ045 completed his testimony on 10 January 2012. The late disclosure prevented Dr. Karadzic from using the documents in his cross-examination of the witness. Witness KDZ072's testimony has been admitted without cross examination pursuant to Rule 92 *bis*.

4. This Trial Chamber has already held that such material was required to be disclosed pursuant to Rule 68.² Therefore, it is respectfully requested that the Trial Chamber make a finding that the prosecution has once again violated its obligations under Rule 68.

5. As a remedy, the Trial Chamber is respectfully requested to order exclusion of the testimony of Witnesses KDZ045 and KDZ072. While exclusion of evidence is considered an extraordinary remedy, the pattern of disclosure violations in this case, and the fact that violations continue to be uncovered after all of the warnings given by the Chamber, warrant an extraordinary remedy.

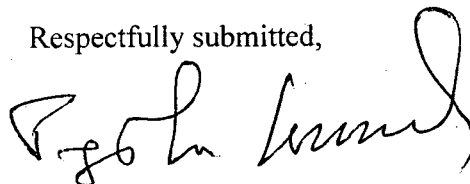
6. Should the Trial Chamber decline to exclude the testimony, Dr. Karadzic requests that Witness KDZ045 be recalled for cross examination, and Witness KDZ072 be called for cross examination, so that the promises made to them, and the impact of those promises on their credibility, can be explored, and so that the newly disclosed documents can be admitted into evidence.

¹ The letters containing this disclosure are attached as Confidential Annex "A". The documents themselves are attached as Confidential Annex "B".

² *Decision on Accused's Sixtieth, Sixty-First, Sixty-Third, and Sixty-Fourth Disclosure Violation Motions* (22 November 2011); *Decision on Accused's Sixty-Fifth Disclosure Violation Motion* (12 January 2012)

Word count: 415

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Radovan Karadzic', written in a cursive style.

Radovan Karadzic