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Services  
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d'appui judiciaire

D 25377

**CASE/AFFAIRE NO.** IT-95-5/18-PT (R. KARADŽIĆ) **DATE** 09 October 2009

**FROM/DE** RIAZ HAIDER, ACTING LEGAL COORDINATOR

**TO/A**

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<input type="checkbox"/> Trial Chamber II/ Chambre de 1ère instance I	<input type="checkbox"/> Chief of Investigations/ Chef des enquêtes	<b>MR. R. KARADŽIĆ</b>
<input type="checkbox"/> Trial Chamber II/ Chambre de 1ère instance II		<input checked="" type="checkbox"/> Legal Advisers
<input type="checkbox"/> Trial Chamber III/ Chambre de 1ère instance III		<b>MR. G. PETRONIJEVIĆ</b> <b>MR. P. ROBINSON</b> <b>MR. M. SLADOJEVIĆ</b>
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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-PT

Date: 9 October 2009

Original: English

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**BEFORE THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Carmel Agius, Presiding  
Judge Burton Hall  
Judge Guy Delvoie

**Registrar:** Mr. John Hocking

**Decision of:** 9 October 2009

**THE PROSECUTOR**  
v.  
**RADOVAN KARADŽIĆ**

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**DECISION ON MOTION FOR LEAVE TO FILE A REPLY**

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**The Office of the Prosecutor**

Mr. Alan Tieger

Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**THIS BENCH** 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, on 22 September 2009, the self-represented accused Radovan Karadžić filed a motion requesting that Judge Melville Baird be recused from the Trial Chamber assigned to hear his case;<sup>1</sup>

**NOTING** that the Prosecution responded to the Motion to Recuse on 25 September 2009;<sup>2</sup>

**NOTING** that, on 25 September 2009, the Presiding Judge in the *Karadžić* case issued a report to the President on the Motion to Recuse;<sup>3</sup>

**NOTING** that, on that same day, the President assigned Judge Mehmet Güney to consider the merits of the Motion to Recuse;<sup>4</sup>

**NOTING** that, on 28 September 2009, Mr. Karadžić filed a request for a panel of three judges to report on the merits of the Motion to Recuse pursuant to Rule 15(B)(ii) of the Rules of Procedure and Evidence (“Rules”);<sup>5</sup>

**NOTING** that, on 30 September 2009, Judge Güney appointed this Bench to consider the merits of the Motion to Recuse;<sup>6</sup>

**BEING SEIZED** of a “Motion for Leave to Reply: Motion to Recuse Judge Baird”, filed by Mr. Karadžić on 5 October 2009 (“Motion for Leave”);

**CONSIDERING** Mr. Karadžić’s arguments that he has not yet had an opportunity to file a reply to the Prosecution’s Response, and that good cause to do so exists because he can distinguish the *Čelebići* Appeals Judgement, as well as address matters relating to Judge Baird’s appointment by the Security Council, issues discussed in the Report and Decision;<sup>7</sup>

**FINDING** that, in the particular circumstances of this case, it is in the interests of justice that Mr. Karadžić be given the opportunity to reply to the Prosecution’s Response;

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<sup>1</sup> Motion to Recuse Judge Melville Baird, filed 22 September 2009 (“Motion to Recuse”).

<sup>2</sup> Prosecution Expedited Response to Karadžić’s Motion to Recuse Judge Melville Baird, filed 25 September 2009 (“Response”).

<sup>3</sup> Report by Presiding Judge to President on Motion to Recuse Judge Baird, 25 September 2009 (“Report”).

<sup>4</sup> Order Assigning a Motion to a Judge, 25 September 2009, p. 2.

<sup>5</sup> Request for Appointment of Three Judge Panel, filed 28 September 2009.

<sup>6</sup> Decision on Radovan Karadžić’s Motion to Recuse Judge Melville Baird, 30 September 2009 (“Decision”).

<sup>7</sup> Motion for Leave, paras 2-3.

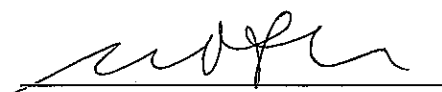
**PURSUANT** to Rule 54 of the Rules;

**FOR THE FORGOING REASONS,**

**GRANTS** the Motion for Leave; and

**ORDERS** Mr. Karadžić to file a reply to the Prosecution's Response within 5 days of the date of this decision.

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



Carmel Agius  
Presiding

Dated this 9<sup>th</sup> day of October 2009,  
At The Hague, The Netherlands

**[Seal of the Tribunal]**