

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

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

THE OFFICE OF THE PRESIDENT

Before: Judge Patrick Robinson, President

Registrar: Mr. John Hocking

Date: 22 February 2011

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION FOR ACCESS TO
CONFIDENTIAL EX PARTE ANNEX

The Office of the Prosecutor:
Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused:
Radovan Karadzic

1. On 17 February 2011, there was filed the *Registrar's Submission Pursuant to Rule 33(B) Regarding Radovan Karadzic's Request for Reversal of Decision to Monitor Telephone Calls*.

2. Attached to the *Submission* was an Annex which was said to include "the relevant exchange of memoranda" concerning the amendment of Regulation 20 of the Regulations of Detention. The Registrar filed the Annex as a confidential *ex parte* submission.

3. Dr. Karadzic respectfully suggests that this violates the principle of *audi alteram partem*. It is akin to one party having access to the legislative history of a statute, or *travaux preparatoires* of a treaty while the other party remains in the dark.

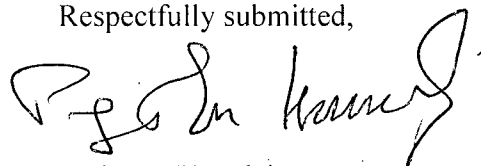
4. Apart from the issue of whether the relevant exchange of memoranda leading up to the amendment of Regulation 20 ought to be public, which Dr. Karadzic believes it should, there is no reason why it cannot be disclosed to him on a confidential basis.

5. Therefore, it is respectfully requested that the confidential *ex parte* Annex be disclosed to Dr. Karadzic, or be returned to the Registrar and not considered by the President at all.

6. Dr. Karadzic respectfully requests that the time for his reply to the *Submission* be extended until four days after he has received the Annex or been informed that it has been returned to the Registrar.

Word count: 288

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Radovan Karadzic', with a stylized flourish at the end.

Radovan Karadzic