

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-05/18-PT

IN TRIAL CHAMBER No. 3

Before: Judge Patrick Robinson, Presiding  
Judge Iain Bonomy, Pre-Trial Judge  
Judge Michele Picard

Registrar: Mr. Hans Holthuis

Date Filed: 29 October 2008

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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MOTION TO REJECT PROSECUTION'S  
MOTION TO AMEND THE  
FIRST AMENDED INDICTMENT

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The Office of the Prosecutor:

Mr. Allan Tieger  
Mr. Mark Harmon

The Accused:

Radovan Karadzic

1. Dr. Radovan Karadzic respectfully moves for an order rejecting the prosecution's *Motion to Amend the First Amended Indictment* on the grounds that it was filed in violation of the Tribunal's own practice directions.

2. The motion was filed on 23 September 2008. It was served on Dr. Karadzic on 27 October 2008. The motion is 4077 words. In the last paragraph of the motion, the prosecution writes:

In order to provide a comprehensive description and explanation of the proposed amendments, the Prosecution has exceeded the word limit by approximately 1000 words, and seeks leave to do so.

3. The *Practice Direction on the Length of Briefs and Motions*, IT184/Rev 2/16 Sept 2005, limits motions to 3000 words.<sup>1</sup>

4. That *Practice Direction* further provides:

In order to make written submissions exceeding the word limit, the moving party "must seek authorization **in advance** from the Chamber to exceed the word limits in this Practice Direction and must provide and must provide an explanation of the exceptional circumstances that necessitate the oversized filing. (emphasis added)

5. The prosecution never sought advance authorization to exceed the word limits for the *Motion to Amend the First Amended Indictment*.

6. The prosecution was reminded of this obligation as recently as July 2008 in *Prosecutor v Lukic & Lukic*, No. IT-98-32/1-PT, *Decision on Prosecution Motion Seeking Leave to Amend the Second Amended Indictment and on Prosecution Motion to Include UN Security Council Resolution 1820 (2008) as Additional Supporting Material to Proposed Third Amended Indictment as well as on Milan Lukic's Request for Reconsideration or Certification of the Pre-Trial Judge's Order of 19 June 2008* (8 July 2008) at para. 26.

7. The prosecution should not be allowed to flagrantly disregard the rules, while at the same time the Trial Chamber continually reminds the self-represented accused that he will be held to obey them.

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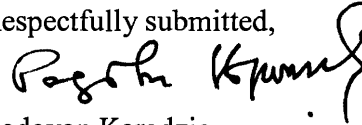
<sup>1</sup> Para. 5

8. The Trial Chamber is respectfully requested to reject the *Motion to Amend the First Amended Indictment*.

9. The prosecution may then have the opportunity to shorten its submission to conform to the length of motions provided in the *Practice Direction* or seek leave in advance to exceed the word limits.

Word count: 435

Respectfully submitted,

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

Radovan Karadzic