

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: 5 April 2011

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

RESPONSE TO APPLICATION FOR CERTIFICATION TO APPEAL
ISSUE OF REMEDY FOR DISCLOSURE VIOLATIONS

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

The Accused:
Radovan Karadzic

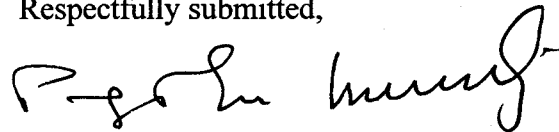
1. Dr. Radovan Karadzic does not oppose the *Prosecution Request for Certification to Appeal the Decision on Accused's Thirty-Seventh through Forty-Second Disclosure Violation Motions* (1 April 2011) as he believes that the parties should have liberal access to the Appeals Chamber during the trial to resolve contentious issues and that given the serious and cumulative nature of the disclosure violations in this case, the matter warrants the attention of that Chamber.

2. He notes with some alarm the prosecution's contention that the issue is likely to recur during the trial.¹ Given that the prosecution has been ordered to complete all Rule 68 disclosure by 31 March 2011, such violations should not recur.

3. Dr. Karadzic believes that the Trial Chamber was correct in determining that the recognition of a violation of the rights of the accused is itself a recognized remedy in international law, and one which is appropriately provided even where little or no prejudice has occurred. He refers Judge Kwon to his discussion of this issue in his *Forty-Sixth Motion for Finding of Disclosure Violation and for Remedial Measures* (5 April 2011) and hopes that Judge Kwon can be persuaded to join the majority in future decisions. If not, Dr. Karadzic hopes that guidance from the Appeals Chamber will bring him around.

Word count: 300

Respectfully submitted,



Radovan Karadzic

¹ *Request* at para. 9