

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: 10 June 2013

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public w/ Confidential Annexes*

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80<sup>th</sup> MOTION FOR FINDING OF DISCLOSURE  
VIOLATION

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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 once again violated Rule 68 by failing to timely disclose an exculpatory documents. The document was in the possession of the prosecution since 16 July 2003, but was not disclosed until 6 June 2013.<sup>1</sup>

2. The document is an investigator's report of an interview with a crime technician from the Banja Luka police. The technician told the Office of the Prosecutor, that he had investigated the massacre at Koricanske Stijena and that:

“While waiting for the green light to process the scene, we learned that Radovan Karadzic had issued an order that the crime should be investigated and that the survivors were not to be harmed and the bodies collected.”<sup>2</sup>

3. The exculpatory nature of this document is obvious in that it refutes the prosecution's case that Dr. Karadzic was part of a joint criminal enterprise to commit genocide and murder, and that he failed to prevent or punish perpetrators. The Koricanske Stijena incident is one of the scheduled incidents in the indictment against Dr. Karadzic.

4. Dr. Karadzic has been prejudiced by the late disclosure of this document because it was only disclosed after the close of the prosecution's case and the information could not be used in cross-examination of any of the witnesses who testified about the Koricanske Stijena event.

5. Therefore, it is respectfully request that the Trial Chamber make a finding that the prosecution has violated Rule 68 by failing to timely disclose this document.

6. It is further requested that the Trial Chamber order that the defence be given open-file disclosure, as the violations of the prosecution's disclosure obligations continue to be uncovered. Only full disclosure can ensure a fair trial.

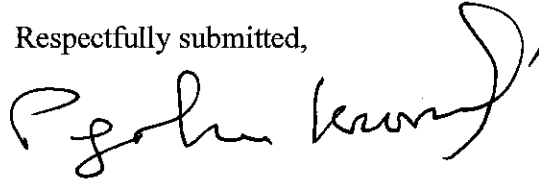
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<sup>1</sup> A copy of the letter accompanying the disclosure is attached as Confidential Annex “A” as the witness is listed as a “sensitive source” and it is not known whether the witness would require protective measures.

<sup>2</sup> A copy of the report of the investigator is attached as Confidential Annex “B”.

Word count: 421

Respectfully submitted,

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

Radovan Karadzic