

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: 20 August 2014

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION FOR WITHDRAWAL OF CHARGES

The Office of the Prosecutor:

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. Dr. Radovan Karadzic hereby moves, pursuant to Rules 73 and 73 *bis*, for an order withdrawing all charges in the indictment about which, at the commencement of the trial, the prosecution was ordered not to lead evidence.

2. In its *Decision on the Application of Rule 73 bis* (8 October 2009), the Trial Chamber, acting pursuant to Rule 73 *bis* (D), ordered the prosecution not to lead evidence on certain charges contained in the indictment.

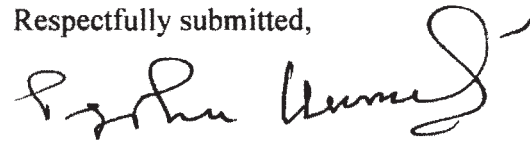
3. During the course of the trial, no motion was made to vary that order.

4. Therefore, now that the trial has ended, Dr. Karadzic respectfully moves for an order withdrawing those charges against him.¹

5. The prosecution should also be invited, in the interests of justice and judicial economy, to withdraw charges upon which it voluntarily decided not to lead evidence, or for which the evidence it led is plainly insufficient to sustain a conviction.²

Word count: 323

Respectfully submitted,



Radovan Karadzic

¹ *Decision on the Accused's Motion for Finding of Non Bis in Idem* (16 November 2009) at para. 14; *Prosecutor v Milutinovic et al*, No. IT-05-87-T, *Order Regarding Prosecution's Submission With Regard to Rule 73 bis* (D) (7 April 2009)

² See for example *Motion for Finding of No Case to Answer: Shelling Incident G9* (5 April 2011) concerning an event where the same evidence has already been found insufficient by the Appeals Chamber in *Prosecutor v Milosevic*, No. IT-98-29/1-A, *Judgement* (12 November 2009) at paras. 230-31 and *Prosecutor Perisic*, No. IT-03-81-T, *Judgement* (6 September 2011) at para. 366