

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia since 1991

Case No. IT-09-92-T
Date: 15 August 2012
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr John Hocking

Order of: 15 August 2012

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**AUTHORISATION AND ORDER TO THE REGISTRY TO
MAKE ADDITIONAL VIDEO-RECORDINGS**

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

I. PROCEDURAL HISTORY

1. The Pre-Trial Judge in this case held seven status conferences between August 2011 and March 2012. On numerous occasions, he expressed concerns and warned Mr Mladić (“Accused”) about his repeated improper communications with the public gallery.¹

2. Prior to the start of the trial in this case, the Registry advised the Pre-Trial Chamber that, as part of its obligation to keep a full record of all proceedings under Rule 81 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), only one video-recording of each session is archived, containing a selection of shots from the different courtroom cameras.² As such, the Registry confirmed that the archived video-recordings would not capture every possible communication of the Accused with the public gallery. The Registry also advised that the practice had changed over the last few years and that previously the recordings of each courtroom camera had been archived separately. The Pre-Trial Chamber had not been informed of this change in practice earlier.

3. As a result of this communication, the Pre-Trial Chamber authorised the Registry pursuant to Rule 81 of the Rules to preserve its regular recordings as well as the recording of one camera directed at the Accused, so as to capture any possible improper communications with the public gallery by the Accused during court sessions.

II. APPLICABLE LAW

4. Rule 81 (A) of the Rules provides that the Registrar shall cause to be made and preserve a full and accurate record of all proceedings, including audio-recordings, transcripts and, when deemed necessary by the Trial Chamber, video-recordings.

III. DISCUSSION

5. As the start of the trial approached, the Pre-Trial Chamber remained concerned about the Accused’s improper communications with the public gallery. It also noted the possibility that additional communications may have taken place in past sessions which may have escaped the Chamber’s attention.

6. Following the start of the trial, the Chamber noticed and was informed of further instances of improper communications by the Accused towards the public gallery.³ In addition, the Chamber

¹ T. 211, 215; see also T. 36, 40, 120-121.

² The visual images only exist as part of one compilation, however separate files of the audio-visual material exist to account for the different languages.

³ T. 427.

was informed of an improper communication by the Accused with a witness in the courtroom, after the Chamber had adjourned and departed the courtroom. Lastly, the Accused exhibited other disruptive behaviour in the courtroom.⁴

7. In order to keep a full record of the proceedings in this case and bearing in mind the repeated improper communications between the Accused and others in the courtroom, the Chamber is convinced that the prior authorisation remains warranted and should in addition be extended to capture the entirety of the Accused's presence in the courtroom.

IV. DISPOSITION

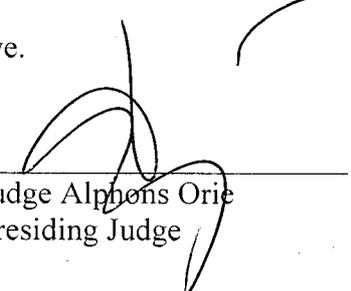
8. For the foregoing reasons and pursuant to Rules 54 and 81 of the Rules, the Chamber

CONFIRMS its prior oral authorisation to the Registry to preserve the recordings of one of the cameras directed at the Accused during court sessions;

ORDERS that these recordings should commence when the Accused enters the courtroom and stop when he exits it; and

INSTRUCTS the Registry to preserve and keep secure any material recorded pursuant to this and the Chamber's prior authorisation and not to release it unless permitted to do so by the Chamber.⁵

Done in English and in French, the English version being authoritative.



Judge Alphonse Orié
Presiding Judge

Dated this Fifteenth of August 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ See T. 719, 938, 1249.

⁵ The Chamber recalls that the release of audio-visual recordings of all other open sessions was previously ordered by the Pre-Trial Chamber. See Order for Release of Audio-Visual Record and Permitting Photography, 1 June 2011.