



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: 22 June 2012
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 22 June 2012

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON DEFENCE MOTION FOR
RECONSIDERATION**

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

TRIAL CHAMBER I of the 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 (“Chamber”);

BEING SEISED of a Defence motion to reconsider its “Decision on Urgent Defence Motion of 14 May 2012 and Reasons for Decision on Two Defence Requests for Adjournment of the Start of Trial of 3 May 2012” (“Motion” and “Decision of 24 May 2012”, respectively);¹

NOTING that, on 5 June 2012, the Defence filed a supplement to its Motion,² and that, on 14 June 2012, the Prosecution filed its response;³

NOTING that, in relation to the Motion, through an informal email communication on 18 June 2012, the Chamber informed the parties that it had decided to “suspend the presentation of evidence until further notice” and that it required “further information” from the parties before determining the appropriate start date;

FURTHER NOTING that on 19, 20, and 21 June 2012, the Prosecution provided the Chamber with the requested information,⁴ and that on 21 and 22 June 2012,⁵ the Defence also provided its views and additional relevant information for the Chamber’s consideration;

RECALLING that in its Decision of 24 May 2012, the Chamber postponed the commencement of the presentation of evidence in the present case to 25 June 2012;⁶

RECALLING that the Chamber is not scheduled to sit for the period of 23 July 2012 to 20 August 2012;⁷

FURTHER RECALLING, in relation to appropriate remedies for belatedly disclosed materials, the Chamber’s statement that the Defence may request “postponements of specific witnesses or a later re-calling of specific witnesses”;⁸

¹ Motion to Reconsider Decision of 24 May 2012, 31 May 2012; Decision on Urgent Defence Motion of 14 May 2012 and Reasons for Decision on Two Defence Requests for Adjournment of the Start of Trial of 3 May 2012, 24 May 2012. In relation to the Motion, although the Defence refers briefly to an alternative request for certification to appeal within the text, the Chamber notes that this is not contained in the requested relief. See Motion, Part III, Conclusion. In this regard, the Chamber further notes that the request is made “should the Chamber not see fit to grant the request for reconsideration”. See Motion, para. 7.

² Supplement to Motion to Reconsider Decision of 24 May 2012, 5 June 2012 (Public with Confidential Annex A).

³ Prosecution Response to Defence Motion for Reconsideration, 14 June 2012.

⁴ This information was sent in internal memorandums to the Chamber and copying the *Mladić* Defence team.

⁵ This information was sent in an internal memorandum and in a subsequent corrigendum to the Chamber and copying the Prosecution.

⁶ Decision of 24 May 2012, para. 27.

⁷ See Scheduling Order, 15 February 2012, para. 21; Decision of 24 May 2012, para. 27.

⁸ Decision of 24 May 2012, para. 25.

PURSUANT TO Rule 54 of the Tribunal's Rules of Procedure and Evidence,

GRANTS the Motion and **GRANTS IN PART** the requested relief contained therein;

INFORMS the parties that written reasons for this decision will be issued in due course;

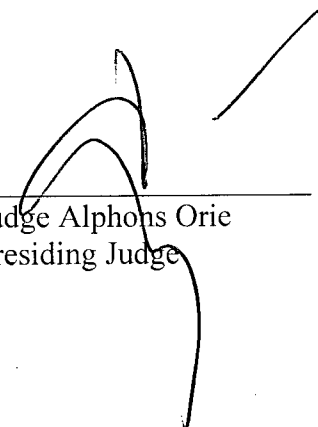
SCHEDULES the presentation of evidence to begin on 9 July 2012;

INSTRUCTS the Prosecution, after having consulted the Defence, to schedule for the period of 9 July 2012 until 20 July 2012 those witnesses least impacted by any disclosure failures;

INSTRUCTS the Prosecution to file a new witness order for the period of 9 July 2012 until 20 July 2012 by 26 June 2012; and

INSTRUCTS the Prosecution not to call Witness RM-319 to testify until after 20 August 2012.

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



Judge Alphons Orié
Presiding Judge

Dated this Twenty-second day of June 2012
At The Hague
The Netherlands

[Seal of the Tribunal]