

**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
MICT-13-55-A
Date: 28 March 2017
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 28 March 2017

PROSECUTOR

v.

RATKO MLADIĆ

CONFIDENTIAL

**DECISION ON PROSECUTION MOTION FOR KARADŽIĆ
TO BE GRANTED ACCESS TO A CONFIDENTIAL FILING
IN THE MLADIĆ CASE**

Prosecutor v. Ratko Mladić

Office of the Prosecutor

Mr Peter McCloskey
Mr Alan Tieger

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Dragan Ivetić

Prosecutor v. Radovan Karadžić

Office of the Prosecutor

Ms Laurel Baig
Ms Barbara Goy
Ms Katrina Gustafson

Counsel for Radovan Karadžić

Mr Peter Robinson
Ms Kate Gibson

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” and “Tribunal”, respectively);

BEING SEISED of a Prosecution motion, filed on 23 March 2017 (“Motion”), requesting that the Chamber grant access to a confidential filing in the *Mladić* case to Radovan Karadžić (“Confidential Filing”);¹

NOTING that the Chamber emailed the parties to the *Mladić* case and *Karadžić* case on 23 March 2017 shortening the deadline for any responses to the Motion to 27 March 2017;

NOTING that on 23 March 2017 the *Karadžić* Defence emailed the Chamber advising that it supported the Motion;

NOTING that on 27 March 2017 the *Mladić* Defence emailed the Chamber advising that it did not oppose the Motion;

NOTING that the Chamber previously granted Karadžić access to certain categories of *inter partes* confidential material in the *Mladić* case (“Access Decision”);²

NOTING that the Prosecution did not previously disclose the Confidential Filing to Karadžić because it determined that the Confidential Filing had no independent forensic purpose and related only to the modalities of trial and therefore fell outside the scope of the Access Decision;³

NOTING the Prosecution submission that the Confidential Filing contains legal reasoning that is relevant to an issue raised in the appellate proceedings in the *Karadžić* case and that granting access to the filing would not reveal any sensitive information to Karadžić;⁴

CONSIDERING, relying on the Prosecution’s submission, that the Confidential Filing is relevant to an issue raised in the appellate proceedings in the *Karadžić* case;

CONSIDERING the agreement expressed by all parties;

FOR THE FOREGOING REASONS

¹ Urgent Prosecution Motion for Karadžić to be Granted Access to a Confidential Filing in the *Mladić* Case (Confidential with *Ex Parte* Appendix), 23 March 2017.

² *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-PT, Decision on Motion by Radovan Karadžić for Access to Confidential Materials in the *Mladić* Case, 18 October 2011.

³ Motion, para. 2.

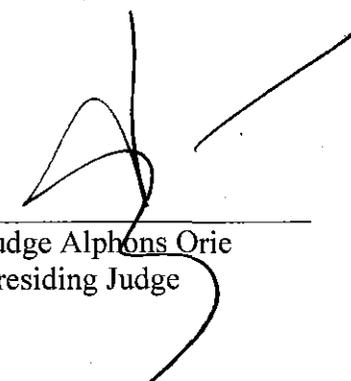
⁴ Motion, para. 3.

GRANTS the Motion;

ALLOWS the Prosecution to identify the Confidential Filing for disclosure to the *Karadžić* Defence; and

ORDERS the Registry to provide the Confidential Filing to the *Karadžić* Defence.

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



Judge Alphons Orie
Presiding Judge

Dated this twenty-eighth day of March 2017
At The Hague
The Netherlands

[Seal of the Tribunal]