



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 Nos. IT-09-92-T  
MICT-13-55-A  
Date: 13 June 2017  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orié, Presiding  
Judge Bakone Justice Moloto  
Judge Christoph Flügge

**Registrar:** Mr John Hocking

**Order of:** 13 June 2017

**PROSECUTOR**

**v.**

**RATKO MLADIĆ**

***PUBLIC***

**ORDER TO RECLASSIFY THE STATUS OF CONFIDENTIAL  
FILINGS**

*Prosecutor v. Ratko Mladić*

**Office of the Prosecutor**  
Mr Peter McCloskey

**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

## I. PROCEDURAL HISTORY AND SUBMISSIONS

1. On 28 March 2017, the Chamber granted a Prosecution motion (“Decision”) for Radovan Karadžić to be granted access to a confidential order in the *Mladić* case relating to the assignment of counsel to a witness (“Order”).<sup>1</sup> On 8 May 2017, the *Karadžić* Defence filed a motion (“Motion”) requesting that the Chamber reclassify the status of the Decision, the Order, and the Motion from confidential to public.<sup>2</sup> The *Karadžić* Defence submits that the following arguments favour reclassification: (i) references to the Order need to be redacted by both parties in their public appeals briefs in the *Karadžić* case; (ii) the assignment of counsel to a witness who risks self-incrimination is the subject of one of the grounds of appeal in the *Karadžić* case and consequently the Order and the Decision may be addressed in the appellate proceedings; and (iii) there is no need to maintain the confidentiality of the Order as the subject of the Order is already part of the public record in the *Mladić* case.<sup>3</sup>

2. On 22 May 2017, the Prosecution responded that it does not oppose the reclassification request but raised that there is a citation in the Motion to a confidential filing in another case (“Response”).<sup>4</sup>

## II. APPLICABLE LAW

3. Rule 54 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) provides that at the request of either party or *proprio motu*, a Trial Chamber may issue such orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.

## III. DISCUSSION

4. The request to reclassify the filings as public is not opposed. Further, the Chamber considers that there is no reason for the Motion to remain confidential on the basis of a reference to a confidential filing in the Motion. Therefore there is no justification for keeping the filings confidential.

## IV. DISPOSITION

5. For the foregoing reasons, pursuant to Rule 54 of the Rules, the Chamber

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<sup>1</sup> Decision on Prosecution Motion for Karadžić to be Granted Access to a Confidential Filing in the *Mladić* Case, 28 March 2017 (Confidential).

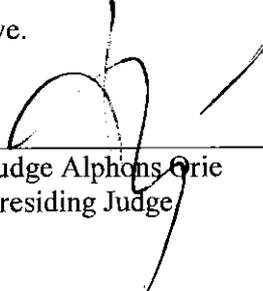
<sup>2</sup> Motion to Reclassify Order for Assignment of Counsel, 8 May 2017 (Confidential).

<sup>3</sup> Motion, paras 5-8.

<sup>4</sup> Prosecution’s Response to Karadžić’s Motion to Reclassify Order for Assignment of Counsel, 22 May 2017 (Confidential).

**INSTRUCTS** the Registry to change the status of the Decision, the Order, and the Motion from confidential to public.

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



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Judge Alphons Orie  
Presiding Judge

Dated this thirteenth day of June 2017  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**