



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: 1 February 2016
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Order of: 1 February 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**ORDER SCHEDULING A HEARING IN RELATION TO
DEFENCE RULE 54 *BIS* MOTIONS**

Office of the Prosecutor

Mr Peter McCloskey
Mr Alan Tieger

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

The Kingdom of Belgium

Per: the Embassy of the Kingdom of Belgium to the
Kingdom of the Netherlands

The North Atlantic Treaty Organisation

Per: Headquarters of the North Atlantic Treaty
Organisation, Brussels, Kingdom of Belgium

TRIAL CHAMBER I (“Chamber”) 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 (“Tribunal”);

BEING SEISED of the “Urgent Defence Third Rule 54 *bis* motion as to the Kingdom of Belgium”, filed on 29 January 2016 (“Belgium Motion”), requesting that the Chamber order the Kingdom of Belgium (“Belgium”) to comply with its previous representations and schedule an interview with Mr Jan Segers, to be held in the physical presence of the Defence;

BEING FURTHER SEISED of the “Urgent Defence Motion under Rule 54 *bis* as to the North Atlantic Treaty Organisation, for a Binding Order to Enjoin their Obstruction in the Interview of Mr Jan Segers”, filed on 29 January 2016 (“NATO Motion”);

NOTING that on 21 March 2014, the Chamber denied the Defence’s first motion of 10 January 2014 for a binding order against Belgium, but invited Belgium to comply with the Defence’s request pursuant to Article 29 of the Tribunal’s Statute (“First Decision”);¹

NOTING that on 15 January 2016, the Chamber denied the Defence’s second motion of 29 December 2015 for a binding order against Belgium, but invited Belgium to urgently schedule the requested hearing to ensure that the Tribunal’s proceedings are not delayed and invited the Defence to liaise directly with the Belgian Federal Prosecutor on this matter (“Second Decision”);²

NOTING that the First Decision and the Second Decision were based on the consideration that Belgium was complying with its obligations under Article 29 of the Statute;

NOTING that the Belgium Motion and the NATO Motion indicate that the North Atlantic Treaty Organisation (“NATO”) has petitioned Belgium to hold the interview with Mr Segers without the Defence’s presence and that Belgium has accepted that petition;

CONSIDERING that Belgium previously consented to the Defence’s presence at Mr Segers’s interview;

CONSIDERING that no legal basis has been advanced for NATO’s condition regarding Mr Segers’s scheduled interview;

¹ Decision on Defence Motion Pursuant to Rule 54*bis* to Compel Cooperation from the Kingdom of Belgium in Providing Information, 21 March 2014 (Confidential).

² Decision on Defence Second Rule 54 *bis* Motion to Compel Cooperation from the Kingdom of Belgium, 15 January 2016 (Confidential).

CONSIDERING that Belgium has not provided any explanation for its sudden change in approach;

CONSIDERING that further delays in relation to Mr Segers's interview may have an impact on the expediency of completing the trial proceedings against Mr Mladić;

FOR THE FOREGOING REASONS

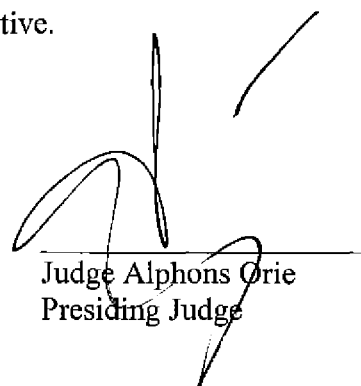
PURSUANT TO Article 29 of the Statute and Rules 54 and 54 *bis* of the Tribunal's Rules of Procedure and Evidence;

HEREBY ORDERS that a hearing be held on Tuesday, 16 February 2016 at 9.30 a.m. in courtroom I of the Tribunal;

HOLDS that the primary focus of the hearing will be the legal basis for NATO's intervention in the modalities of Mr Segers's forthcoming interview and Belgium's apparent acceptance of NATO's conditions; and

REQUESTS Belgium and NATO to appear before the Chamber through authorized and informed representatives at the time and place indicated above.

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



Judge Alphons Orie
Presiding Judge

Dated this first day of February 2016
At The Hague
The Netherlands

[Seal of the Tribunal]