



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: 18 August 2016
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 18 August 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON DEFENCE REQUEST FOR INFORMATION
NECESSARY TO ASCERTAIN FAIRNESS OF PROCEEDINGS
AND RENEWED REQUEST FOR TRANSPARENCY AS TO
CHAMBERS STAFF'S INVOLVEMENT IN CHAMBERS'
DECISIONS**

Office of the Prosecutor

Mr Peter McCloskey
Mr Alan Tieger

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” and “Tribunal”, respectively);

BEING SEISED of the Defence’s motion, filed on 20 July 2016 (“Motion”), requesting (1) a list of all personnel, including legal officers and interns, currently working on the case against the Accused, (2) a list of all previous cases in which each of them was involved, (3) information regarding all personnel who worked on the *Karadžić* case, the cases on which they previously worked, and what they are working on now, and (4) undertakings from the two impugned staff members identified in a previous decision of the Chamber that they have approached the evidence in the case of the Accused with no pre-conceived notions as to his guilt;¹

NOTING the Deputy Registrar’s submission of 27 July 2016, stating, *inter alia*, that staff members are already required to make a written declaration in accordance with the Staff Rules and Regulations of the United Nations;²

NOTING the Prosecution’s response of 3 August 2016, opposing the Motion and submitting that the Chamber already rejected the “request for information regarding the individuals who previously worked on the *Karadžić* case” in a previous decision;³

NOTING the Chamber’s decision of 4 July 2016 (“Mistrial Decision”), rejecting the Defence’s requests relating to the involvement of Chamber’s staff in the *Karadžić* case and holding that the assistance of Chamber’s staff “does not influence the decision-making ability of the judges, nor is the previous work of the Impugned Staff on the *Karadžić* case relevant to the judges’ impartiality”;⁴

CONSIDERING that the Defence has not submitted new facts or circumstances which may give rise to revisiting the Mistrial Decision;

CONSIDERING that the Defence requests information which the Chamber found to be irrelevant;

CONSIDERING that renewing requests is not the appropriate way to challenge a decision;

FOR THE FOREGOING REASONS

¹ Request for Information Necessary to Ascertain Fairness of Proceedings, and Renewed Request for Transparency as to Chambers Staff’s Involvement in Chambers’ Decisions, 20 July 2016, paras 16-17.

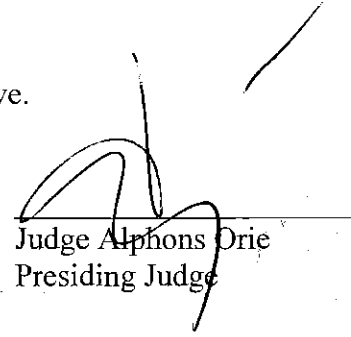
² Deputy Registrar’s Submission Concerning Claims Advanced by the Defence on 20 July 2016, 26 July 2016, paras 3-4.

³ Prosecution Response to Defence Request for Information Necessary to Ascertain Fairness of Proceedings, and Renewed Request for Transparency as to Chambers Staff’s Involvement in Chambers’ Decisions, 2 August 2016, para. 1.

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

DENIES the Motion.

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



Judge Alphons Orie
Presiding Judge

Dated this eighteenth day of August 2016
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ Decision on Defence Motion for a Fair Trial and the Presumption of Innocence or, in the Alternative, a Mistrial, 4 July 2016, paras 18-20, 26.