

MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

CASE Nos. MICT-14-65-ES
MICT-13-55-A

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

Date: 17 October 2017

THE PROSECUTOR

v.

MOMIR NIKOLIC

Confidential

RADOVAN KARADZIC'S MOTION FOR
PUBLIC REDACTED VERSION OF
PRESIDENT'S DECISION

The Office of the Prosecutor:

Laurel Baig
Barbara Goy
Katrina Gustafson

Momir Nikolic

Counsel for Radovan Karadzic:

Peter Robinson
Kate Gibson

1. Radovan Karadzic hereby moves for the issuance of a public redacted version of the President's *Decision on Ratko Mladic's Requests for Leave to Reply and Reconsideration, or alternatively Certification or Disqualification* (27 January 2017) filed confidentially in the case of *Prosecutor v Momir Nikolic*.

2. That confidential decision was disclosed to President Karadzic on 17 October 2017 pursuant to the *Prosecution's Notice of Compliance with Decision on Motion by Radovan Karadzic for Access to Confidential Material in Mladic* (13 October 2017). In reviewing the decision, President Karadzic observed that it is the first decision of the Mechanism dealing with the issue of whether a right to reply exists in matters before the President,¹ and the first known decision of the Mechanism which has allowed disclosure of information from enforcement proceedings of Prosecution witnesses to the accused in the case in which the witness testified.²

3. President Karadzic believes that it is important that the decision be available to the public because of its precedential nature. Because the Prosecution is a party to all cases at the Mechanism, the failure to issue public redacted versions of decisions on issues of first impression disadvantages the defence in cases before the Mechanism and deprives the public and scholars of access to the Mechanism's jurisprudence.

4. A review of the decision indicates that redactions could easily be made to a few words and phrases that would allow the decision to be fully understood by the public and at the same time respect the privacy of Mr. Nikolic.

5. Therefore, it is respectfully requested that the President issue a public redacted version of his *Decision on Ratko Mladic's Requests for Leave to Reply and Reconsideration, or alternatively Certification or Disqualification* (27 January 2017). It is further requested that this motion also be reclassified from confidential to public if granted.

¹ *Decision* at para. 18

² *Decision* at paras. 24-35; *c.f. Prosecutor v Karadzic*, No. IT-95-5/18-T, *Decision on Motion for Access to Confidential Filings and Decisions in Enforcement Proceedings* (17 April 2012)

Word count: 411

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Robinson". The signature is written in a cursive style with large, flowing loops.

PETER ROBINSON

Counsel for Radovan Karadzic



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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Case Name/ Affaire :	Prosecutor v Momir Nikolic Prosecutor v Radovan Karadzic	Case Number/ Affaire n° :	MICT-14-65-ES MICT-13-55-A
Date Created/ Daté du :	17 October 2017	Date transmitted/ Transmis le :	17 October 2017
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
Title of Document/ Titre du document :	RADOVAN KARADZIC'S MOTION FOR PUBLIC REDACTED VERSION OF PRESIDENT'S DECISION		
Classification Level/ Catégories de classification :	<input type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>
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