

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 5 June 2020

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Carmel Agius, President

Registrar: Mr. Olufemi Elias

Order of: 5 June 2020

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

ORDER FOR SUBMISSIONS

The Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Laurel Baig
Ms. Barbara Goy

Counsel for Mr. Ratko Mladić:

Mr. Branko Lukić
Mr. Dragan Ivetić

I, CARMEL AGIUS, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

BEING SEISED of the motion filed before me today by Counsel for Mr. Ratko Mladić (“Counsel” and “Mladić”, respectively),¹ in which Mladić makes a health-related complaint concerning his detention at the United Nations Detention Unit pursuant to the Regulations on the Complaints Procedure for Detainees (“UNDU” and “Complaints Procedure”, respectively);²

RECALLING that, on 13 May 2020, Mladić filed a health-related complaint concerning his detention at the UNDU before the Registrar of the Mechanism (“Registrar”);³

NOTING that, on 15 May 2019, pursuant to Regulation 8(A) of the Complaints Procedure, the Registrar conveyed a copy of the Initial Complaint to me as an attachment to an internal memorandum;⁴

NOTING that, on 27 May 2019, the Registrar sent a letter to Mladić indicating that more time was required to provide a fully considered decision on the Initial Complaint;⁵

NOTING the submission of Mladić that, as of the filing of the Complaint, the Registrar had not issued a decision on the Initial Complaint;⁶

NOTING that Rule 10(B) of the Complaints Procedure provides that if no decision is taken by the Registrar on a complaint within 14 calendar days, the detainee may make a complaint to the President within the next 14 calendar days;

NOTING that following my receipt of the Complaint, the Registrar informed me that he had transmitted his decision on the Initial Complaint to Mladić this evening;⁷

¹ Urgent Motion to Adjudicate Complaint Filed under the IRMCT Complaints Procedure for Detainees, 5 June 2020 (public with confidential annexes) (“Complaint”). I note that the Complaint was circulated today at 16:07 p.m. (Hague time).

² MICT/25, 5 December 2018. *See* Complaint, p. 2.

³ Defence Notice, 13 May 2020 (public with confidential annexes) (“Initial Complaint”). I note that this filing was circulated on 14 May 2020, and that I received it at this time.

⁴ Internal Memorandum from the Registrar to the President, dated 15 May 2020 (confidential).

⁵ *See* Motion, Annex C (containing a confidential letter from the Registrar to Mladić, dated 27 May 2020). I recall that the Registrar conveyed a copy of this letter to me as an attachment to an internal memorandum on 29 May 2020. *See* Internal Memorandum from the Registrar to the President, dated 29 May 2020 (confidential).

⁶ Motion, paras. 11-12.

⁷ Communication and decision transmitted via email from the Registry to the President, 5 June 2020 (confidential). I consider it would be appropriate for the Registrar to file his decision on the judicial record with the appropriate classification.

NOTING that Rule 94(1) of the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Mechanism or Otherwise Detained on the Authority of the Mechanism (“Rules of Detention”) provides that a detainee has the right to make a complaint, without censorship, to the President against the response from the Registrar to a complaint pursuant to Rule 93 of the Rules of Detention or a decision by the Registrar;

NOTING further that Regulation 11(B) of the Complaints Procedure provides that I may conduct any investigations I consider warranted and may seek the views of relevant persons or bodies, as appropriate, prior to issuing my decision on a complaint to the Registrar;

NOTING as well that Regulation 10(D) of the Complaints Procedure provides that the Registrar shall transmit to the President all relevant information obtained in the course of the Registrar’s investigation of the complaint;

CONSIDERING that, in the present case, I would benefit from receiving submissions from the Registrar in relation to the Complaint, including his decision on the Initial Complaint, as well as any reply that Mladić may wish to make in relation to these submissions;

NOTING that Regulation 11(C) of the Complaints Procedure provides that I shall issue a reasoned decision as soon as practicable, or at the latest, within 14 calendar days of my receipt of a complaint, unless the interests of justice require otherwise;

CONSIDERING that, in light of the issues raised in the Complaint, it is necessary to receive submissions on an extremely urgent basis;

NOTING that Rule 94(2) of the Rules of Detention and Regulation 11(A) of the Complaints Procedure provide that complaints made to the President shall be acknowledged within 72 hours of receipt;

CONSIDERING that, as Mladić is represented by Counsel, it is appropriate to acknowledge receipt of the Complaint in the present Order;

HEREBY acknowledge receipt of the Complaint and **ORDER** that:

- (i) the Registrar file a submission in relation to the Complaint, including his decision on the Initial Complaint, no later than noon (Hague time) on Sunday, 7 June 2020, and distribute it immediately thereafter; and

- (ii) Mladić file a reply, if any, no later than noon (Hague time) on Tuesday, 9 June 2020.

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

Done this 5th day of June 2020,
At The Hague,
The Netherlands.



Judge Carmel Agius
President

[Seal of the Mechanism]



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

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From/ De :	<input checked="" type="checkbox"/> President / <i>Président</i>	<input type="checkbox"/> Chambers / <i>Chambre</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>	<input type="checkbox"/> Defence / <i>Défense</i>
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Case Name/ Affaire :	Prosecutor v. Ratko Mladić		Case Number/ Affaire n° :	MICT-13-56-A
Date Created/ Daté du :	05 June 2020	Date transmitted/ Transmis le :	05 June 2020	No. of Pages/ Nombre de pages : 4
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/Autre (specify/préciser) :
Title of Document/ Titre du document :	Order for Submissions			
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>		
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<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>	
<input checked="" type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>		

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