

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No: MICT-13-56-ES

Date: 1 May 2026

Original: English

BEFORE THE PRESIDENT

Before: Judge Graciela Gatti Santana

Registrar: Mr. Abubacarr M. Tambadou

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**URGENT PROSECUTION MOTION FOR ACCESS TO
MLADIĆ'S CONFIDENTIAL MOTION FOR PROVISIONAL OR
EARLY RELEASE**

The Office of the Prosecutor:
Mr. Mathias Marcussen

Counsel for Mr. Ratko Mladić:
Mr. Dragan Ivetić
Mr. Branko Lukić

1. The Prosecution hereby requests access to Mladić's Confidential Urgent Motion for provisional or early release¹ and to the Independent Medical Expert's report expected today,² to enable the Prosecution to respond, including to information currently redacted from the public version of the Confidential Motion.³
2. Under the Mechanism's legal framework, temporary or early release is a judicial function exercised by the President. The Prosecution, as the representative of the international community on whose behalf the Tribunals and Mechanism investigated and prosecuted cases, should be allowed the opportunity to respond to arguments made by those convicted by the Tribunals and Mechanism, which might result in an early termination of prison term. This is also necessary to ensure that evidence and arguments can be fully tested before the President makes her determination.
3. The Prosecution needs access to the full application to respond to redacted arguments and supporting documentation that Mladić relies on to support his arguments that he should be released on humanitarian grounds. In this regard, the Prosecution notes that throughout proceedings against Mladić, the Prosecution was privy to, and a party to litigation, regarding his well-documented medical conditions. In the past, the Prosecution had regular access to Mladić's medical reports so is well placed to comment on arguments made by Mladić related to his health and whether his medical conditions warrant release.

¹ *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-ES, Urgent Defence Motion Seeking (Alternatively) Provisional or Early Release of Mr. Ratko Mladić Based on Humanitarian Grounds, 23 April 2026 (confidential with confidential annexes) ("Confidential Motion").

² *See Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-ES, Order for an Independent Medical Expert Assessment, 28 April 2026 (public redacted version).

³ *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-ES, Urgent Defence Motion Seeking (Alternatively) Provisional or Early Release of Mr. Ratko Mladić Based on Humanitarian Grounds, 30 April 2026 (public redacted version with public redacted annexes).

4. It is in the interests of justice that the Prosecution be granted access to the Confidential Motion and the report of the Independent Medical Expert, to be able to file a response based on all the relevant documentation.

Word Count: 350



Mathias Marcussen
Senior Legal Officer, Officer in Charge

Dated this 1st day of May 2026
At The Hague, The Netherlands



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