

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-ES

Date: **4 May 2026**

Original: English

BEFORE THE PRESIDENT

Before: The Honorable Judge Graciela Gatti Santana

Registrar: Mr. Abubacarr M. Tambadou

Date Filed: 4 May 2026

PROSECUTOR

v.

RATKO MLADIĆ

Public

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

Office of the Prosecutor

Mr. Mathias Marcussen

Counsel for Ratko Mladić

Mr. Dragan Ivetić

Mr. Branko Lukić

THE INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS**PROSECUTOR****v.****RATKO MLADIĆ***Public*

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

RATKO MLADIĆ by and through counsel of record, hereby submits the instant Response in Opposition, and in support thereof states as follows:

1. On 1 May 2026, the Office of the Prosecution filed their Public Urgent Prosecution Motion for Access to Mladic's Confidential Motion for Provisional Or Early Release. (hereinafter "Prosecution Request"). The instant Response opposes that Prosecution Request.
2. Respectfully, the Prosecution Request cites no legal authority supporting its contention that it requires access to the confidential motion, nor the health records of Mr. Mladic.
3. On the contrary, the relevant Rule (IRMCT Rule of Procedure and Evidence 150) and Practice Direction¹ do not expressly state any role for the Prosecution in this matter.
4. The express terms of Rule 150 state that the President shall make such a determination upon consultation with any judges of the sentencing Chamber. The Prosecution is not mentioned in the Rule.
5. The express language of the Practice Direction likewise does not mention the Prosecution nor any role for the Prosecution. The Practice Direction further states "In addition to any information collected pursuant to paragraph 10 of this Practice Direction, the President may decide to seek or accept submissions from third parties." The President has not sought any submission from the Prosecution.
6. Accordingly, the Prosecution Request is without merit and should be summarily

¹ See, PRACTICE DIRECTION ON THE PROCEDURE FOR THE DETERMINATION OF APPLICATIONS FOR PARDON, COMMUTATION OF SENTENCE, OR EARLY RELEASE OF PERSONS CONVICTED BY THE ICTR, THE ICTY, OR THE MECHANISM (MICT/3/Rev.4), dated 1 July 2024

dismissed.

7. Further, given the urgency of the situation, and the rapidly deteriorating health of Mr. Mladić, and the humanitarian basis for the release being sought (ie. release before he dies, as due to the rapid deterioration of his health, facts have presently become irreconcilable with having his prison sentence executed at a correctional facility, per the relevant caselaw and human rights concerns), it is impractical and inappropriate to prolong his suffering and prolong a detention that is contrary to human rights to satisfy the Prosecution's self-motivated need to create a role for itself in relation to the release being sought.

WHEREFORE, for the foregoing reasons, RATKO MLADIĆ respectfully requests that the President deny the Prosecution Request.

Word Count: 373

RESPECTFULLY SUBMITTED BY:



Dragan Ivetić
Lead Counsel for Ratko Mladić

Dated this 4th of May, 2026
Chicago, IL, USA



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