

**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-13-56

Date: 20 November 2017

Original: English

**BEFORE A SINGLE JUDGE**

**Before: Judge Burton Hall**

**Registrar: Mr. Olufemi Elias**

**Decision of: 20 November 2017**

**PROSECUTOR**

**v.**

**RATKO MLADIĆ**

***PUBLIC***

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**DECISION ON MOTION FOR CONTEMPT PROCEEDINGS  
AND RELATED ORDERS**

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**Office of the Prosecutor:**

Mr. Serge Brammertz  
Mr. Peter McCloskey

**Counsel for Mr. Ratko Mladić**

Mr. Branko Lukić  
Mr. Dragan Ivetić

**I, BURTON HALL**, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;<sup>1</sup>

**BEING SEISED OF** a motion filed on 16 November 2017, in which Ratko Mladić requests: (i) the initiation of contempt proceedings against Dr. Paulus Falke, a Medical Officer at the United Nations Detention Unit in the Hague (“UNDU”), or in the alternative, that a hearing be held; (ii) an order prohibiting Dr. Falke from having any contact with Mladić and from interfering with Mladić’s right to be visited by external medical specialists; (iii) an order to the UNDU Commanding Officer to allow a visit by external medical specialists prior to the rendering of the judgement in the case of *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T (“Mladić case”); and (iv) informing the President of the International Criminal Tribunal for the Former Yugoslavia (“ICTY”) and the ICTY Trial Chamber, which is currently seised of the *Mladić* case, of the present decision;<sup>2</sup>

**NOTING** the Prosecution’s response that the Motion is unfounded;<sup>3</sup>

**NOTING** that the pronouncement of the trial judgement in the *Mladić* case has been scheduled for 22 November 2017;<sup>4</sup>

**NOTING** that the allegations of contempt are closely related to the pending proceedings before the ICTY and that given the ICTY Trial Chamber’s organic familiarity with the ongoing proceedings in the *Mladić* case, at this stage it is most appropriate for the ICTY Trial Chamber to make the threshold determination as to whether there are “reasons to believe” that Dr. Falke may have committed contempt of the ICTY;<sup>5</sup>

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<sup>1</sup> Order Assigning a Single Judge, 17 November 2017, p.1.

<sup>2</sup> See Urgent Motion for Contempt Proceedings or Hearing Upon Issuance of a Rule to Show Cause Against UNDU Medical Officer Dr. Paulus Falke and Binding Order Enforcing Rule 31 Medical Visit and Enjoin[i]ng Dr. Falke from Further Contact with Mr. Mladić or Obstruction in Rule 31 Medical Visit, 16 November 2017 (public with public and confidential Annexes) (“Motion”), p. 9. See also Addendum to: Urgent Motion for Contempt Proceedings or Hearing Upon Issuance of a Rule to Show Cause Against UNDU Medical Officer Dr. Paulus Falke and Binding Order Enforcing Rule 31 Medical Visit and Enjoin[i]ng Dr. Falke from Further Contact with Mr. Mladić or Obstruction in Rule 31 Medical Visit, 16 November 2017 (public with confidential and *ex-parte* Annex); Second Addendum to: Urgent Motion for Contempt Proceedings or Hearing Upon Issuance of a Rule to Show Cause Against UNDU Medical Officer Dr. Paulus Falke and Binding Order Enforcing Rule 31 Medical Visit and Enjoining Dr. Falke from Further Contact with Mr. Mladić or Obstruction in Rule 31 Medical Visit, 20 November 2017 (public with confidential and *ex parte* Annex A).

<sup>3</sup> See Prosecution Response to Defence Urgent Motion for Contempt Proceedings or Hearing Upon Issuance of a Rule to Show Cause Against UNDU Medical Officer Dr. Paulus Falke and Binding Order Enforcing Rule 31 Medical Visit and Enjoining Dr. Falke from Further Contact with Mr. Mladić or Obstruction in Rule 31 Medical Visit, 20 November 2017, para. 1.

<sup>4</sup> See *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Scheduling Order for Pronou[n]cement of the Judgment, 18 October 2017, p. 1.

<sup>5</sup> See *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-R90.3 & IT-95-5/18-T, Decision to Invite the ICTY Trial Chamber in the Karadžić Case to Determine Whether there is “Reason to Believe” that Contempt has been Committed by Members of the Office of the Prosecutor, 21 July 2014, paras. 13-21.

**CONSIDERING** further that, while the *Mladić* case is still pending before the ICTY, Mladić's request to be allowed visits by external medical specialists is within the ICTY's competence,<sup>6</sup>


**FOR THE FOREGOING REASONS,**

**HEREBY DISMISS** the Motion; and

**REQUEST** the Registry to communicate the present decision to the ICTY Trial Chamber.

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

Done this 20th day of November 2017,  
At The Hague,  
The Netherlands

  
Judge Burton Hall,  
Single Judge

[Seal of the Mechanism]

<sup>6</sup> See *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Decision on Three Defence Motions, 13 November 2017, paras. 32, 34, 44-46.



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