

**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Case No: MICT-13-55-A

Date: 28 February 2017

Original: English

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**IN THE APPEALS CHAMBER**

**Before:**

**Judge Theodor Meron, Presiding  
Judge William Hussein Sekule  
Judge Vagn Prüsse Joensen  
Judge José Ricardo de Prada Solaesa  
Judge Graciela Susana Gatti Santana**

**Registrar:**

**Mr. Olufemi Elias**

**THE PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**PROSECUTION'S RESPONSE TO KARADŽIĆ'S MOTION  
FOR PUBLIC REDACTED VERSIONS OF RULE 86(F)  
JURISPRUDENCE**

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**The Office of the Prosecutor:**

Laurel Baig  
Barbara Goy  
Katrina Gustafson

**Counsel for Radovan Karadžić:**

Peter Robinson  
Kate Gibson

1. Karadžić's Motion<sup>1</sup> requesting public redacted version of certain decisions that involve "the issue of consent of protected witnesses in Rule 86 proceedings"<sup>2</sup> should be dismissed. To the extent these decisions relate to this case, his request is moot.<sup>3</sup> To the extent they relate to other cases, the *Karadžić* Appeals Chamber lacks jurisdiction to consider such a request.<sup>4</sup>

Word Count: 233



Katrina Gustafson  
Senior Appeals Counsel

Dated this 28<sup>th</sup> day of February 2017  
At The Hague, The Netherlands

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<sup>1</sup> *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Motion for Public Redacted Versions of Rule 86(F) Jurisprudence, 19 February 2017 ("Motion"). All references herein, unless otherwise specified, are to *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A.

<sup>2</sup> Motion, para.3.

<sup>3</sup> This is because the *Karadžić* Appeals Chamber has already granted Karadžić access to public redacted versions of ICTY Rule 75(H) and MICT Rule 86(F) decisions from the *Karadžić* trial and appeal proceedings. *See* Decision on a Motion for Redacted Versions of Decision Issued Under Rule 75(H) of the ICTY Rules, 18 July 2016; Decision on a Motion for Redacted Versions of Rule 86(F) Filings, 24 January 2017. Karadžić also currently has a pending request for public redacted versions of Rule 86(H) decisions in this case. *See* Motion for Redacted Versions of Rule 86(H) Filings, 29 January 2017.

<sup>4</sup> As Karadžić himself has recognized, it would be the President's role to consider such a request and appoint a Single Judge or Chamber as necessary. *See Prosecutor v. Karadžić*, Case Nos. MICT-13-55-A/MICT-15-90, Motion for Redacted Version of Decision, 5 May 2016.