

**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-13-55-A

Date: 16 June 2016

Original: English

**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. John Hocking

**Order of:** 16 June 2016

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

**ORDER REFERRING A MATTER TO THE PRESIDENT  
PURSUANT TO RULE 90(C)**

**The Office of the Prosecutor:**

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

**Counsel for Mr. Radovan Karadžić:**

Mr. Peter Robinson

**THE APPEALS CHAMBER** of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively);<sup>1</sup>

**NOTING** the Motion for Temporary Release to Attend Memorial Service, filed by Mr. Radovan Karadžić confidentially with confidential annexes on 28 April 2016 (“Motion”);

**NOTING** that all filings related to the Motion were filed before the Appeals Chamber confidentially;<sup>2</sup>

**NOTING** that in its “Additional Submission Regarding Karadžić’s Motion for Temporary Release to Attend Memorial Service”, the Prosecution submits, *inter alia*, that a member of Karadžić’s trial defence team provided confidential information to the media reportedly disclosing that Karadžić requested temporary release to attend his brother’s memorial service and that the Government of the Republic of Serbia provided the necessary guarantees;<sup>3</sup>

**RECALLING** that, pursuant to Rule 90(A) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), the Mechanism may hold in contempt those who knowingly and wilfully interfere with the administration of justice;

**FURTHER RECALLING** that, pursuant to Rule 90(C) of the Rules, when a Chamber has reason to believe that a person may be in contempt of the Mechanism, it shall refer the matter to the President;

**FINDING** that there is reason to believe that a person may be in contempt of the Mechanism by disclosing to the public confidential information, including the fact that Karadžić has requested from the Mechanism temporary release to attend the memorial service;

**PURSUANT** to Article 1(4)(a) of the Statute of the Mechanism and Rules 90(A) and 90(C) of the Rules;

<sup>1</sup> Order Assigning Judges to a Case Before the Appeals Chamber, 20 April 2016.

<sup>2</sup> See Prosecution Response to Karadžić’s Motion for Temporary Release to Attend Memorial Service, 9 May 2016 (confidential); Reply Brief: Motion for Temporary Release to Attend Memorial Service, 12 May 2016 (confidential); Prosecution’s Additional Submission Regarding Karadžić’s Motion for Temporary Release to Attend Memorial Service, 27 May 2016 (confidential with confidential annexes); Supplement to Motion for Temporary Release to Attend Memorial Service, 3 May 2016 (confidential with confidential annexes); Correspondence from the Ministry of Foreign Affairs of the Kingdom of the Netherlands, 28 April 2016 (confidential); Guarantee by the Government of the Republic of Serbia dated 6 May 2016, 11 May 2016 (confidential). See also Decision on a Request for Reclassification of Filings, 9 June 2016 (granting Karadžić’s request to reclassify as public the filings made in connection with the Motion).

<sup>3</sup> Additional Submission Regarding Karadžić’s Motion for Temporary Release to Attend Memorial Service, paras. 1, 2.

**REFER** the matter to the President.

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

Done this 16<sup>th</sup> day of June 2016,  
At The Hague,  
The Netherlands



Judge Theodor Meron  
Presiding

[Seal of the Mechanism]