

MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

CASE No. MICT-13-55-A

THE APPEALS CHAMBER

Before: Judge Theodor Meron
Judge William Hussein Sekule
Judge Vagn Prusse Joensen
Judge Jose Ricardo de Prada Solaesa
Judge Graciela Susana Gatti Santana

Registrar: Mr. Olufemi Elias

Date: 1 March 2017

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

REPLY BRIEF: MOTION FOR PUBLIC REDACTED
VERSIONS OF RULE 86 (F) JURISPRUDENCE

The Office of the Prosecutor:

Laurel Baig
Barbara Goy
Katrina Gustafson

Counsel for Radovan Karadzic:

Peter Robinson
Kate Gibson

1. Dr Radovan Karadzic has moved for the issuance of public redacted versions of decisions cited in the *Prosecution's Further Response to the Registrar's Submission in Relation to the Order of 20 September 2016* (29 September 2016).

2. On 28 February 2017, there was filed the *Prosecution's Response to Karadzic's Motion for Public Redacted Versions of Rule 86(F) Jurisprudence*. President Karadzic now replies.

3. The Prosecution opposes the motion on two grounds.

4. First, it suggests that the motion is moot in light of President Karadzic's access to decisions in his own case that have been granted by the Appeals Chamber.¹ However, all of the access granted by the Appeals Chamber has been in the form of public redacted decisions. Therefore, if those were the decisions cited by the Prosecution, there was no need to redact them. The Prosecution should be ordered to file further redacted versions making reference to the public redacted versions of those decisions.

5. Second, the Prosecution suggests that the Appeals Chamber lacks jurisdiction to order public redacted versions of decisions in other cases.² As the redactions make it impossible for President Karadzic to know in which cases those decisions were rendered, the Prosecution should be ordered to file further redacted versions making reference to the case in which those decisions were issued. The Prosecution should not be able to redact the identity of the case and then assert that President Karadzic's motion should be dismissed because he doesn't know what case in which to make the motion.

6. As a separate and related matter, President Karadzic requests that the Appeals Chamber also order public redacted versions be filed of the jurisprudence cited by the Registrar in its *Registrar's Submission in Relation to the Order of 20 September 2016* (27 September 2016) in case numbers 13-55-R86F.2 and R86F.3, footnotes 2 and 3, to the extent that the Registrar has cited jurisprudence different from that cited by the Prosecution which are the subject of this motion.³ The same reasons for access to the

¹ *Response*, fn. 3

² *Response*, fn. 4

³ Those public redacted versions were only filed on 28 February 2017, more than a month after the Registry was ordered to file them. Counsel for President Karadzic engaged in extensive efforts to encourage the Registry to file its public redacted versions earlier with no success. The Appeals Chamber is requested to set deadlines for the filing of public redacted versions by the Registry in the future to avoid repeat of this problem.

public redacted versions would apply to both the Prosecution and Registrar's submissions.

Word count: 517

Respectfully submitted,

A handwritten signature in cursive script that reads "Peter Robinson". The signature is written in a dark ink and is centered on the page.

PETER ROBINSON

Counsel for Radovan Karadzic