

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-13-48

Date: 3 August 2015

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Burton Hall

Registrar: Mr. John Hocking

Decision of: 3 August 2015

PROSECUTOR

v.

RADOSLAV BRĐANIN

PUBLIC

DECISION ON REQUEST FOR ACCESS

The Applicant:
Mr. Novak Lukić

The Office of the Prosecutor:
Mr. Hassan Bubacar Jallow
Mr. Mathias Marcussen

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

BEING SEISED OF “Radoslav Brđanin’s Request for Access to Documents with Annex” filed by Novak Lukić on 14 July 2015 (“Request”), in which Mr. Lukić requests an order granting him access, in the case of *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36, to all transcripts of private and closed sessions during the pre-trial, trial, and appeal stage; all exhibits admitted under seal; and the Prosecution and Defence 65^{ter} exhibit lists;²

NOTING the “Prosecution’s Response to Radoslav Brđanin’s Request for Access to Documents” filed on 28 July 2015 (“Response”), in which the Prosecution states that it does not oppose the Request;³

NOTING that the Registrar has recognized Mr. Lukić as Mr. Brđanin’s *pro bono* counsel before the Mechanism for post-conviction matters;⁴

NOTING that Mr. Lukić has duly undertaken not to disclose confidential information or documents that he is given access to nor facilitate their disclosure to any party not expressly authorized by the Mechanism, and to comply with the Code of Professional Conduct;⁵

CONSIDERING that, in order to carry out their duties in full,⁶ counsel recognized, assigned, or appointed by the Registrar as acting for an accused or convicted person must, in principle, automatically have access to the *complete* record of the proceedings to which their client is entitled;

CONSIDERING FURTHER that, absent exceptional circumstances, no order regarding such counsel’s access whether in broad or limited form is necessary;⁷

CONSIDERING that the Registrar has recognized Mr. Lukić as Mr. Brđanin’s counsel and that neither the Registrar nor the Prosecution has raised any exceptional circumstances to preclude access to the record in this case;

¹ Order Assigning a Single Judge to Consider an Application, 15 July 2015, p. 1.

² Request, paras. 1, 6.

³ Response, para. 1.

⁴ Request, Annex, RP. 3.

⁵ Request, Annex, RP. 2, paras. 1, 3. *See* Code of Professional Conduct for Defence Counsel Appearing Before the Mechanism, MICT/6, 14 November 2012 (“Code of Professional Conduct”).

⁶ *See generally* Code of Professional Conduct.

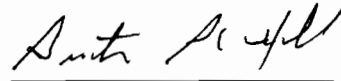
⁷ *See also* *The Prosecutor v. Jean De Dieu Kamuhanda*, Case No. MICT-13-33, Decision on Request for Access, 25 June 2015, paras. 11, 16, 19-21 *referring to* *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Decision on Motion Seeking Variation of Protective Measures Pursuant to Rule 75(G), 16 July 2002.

FOR THE FOREGOING REASONS, HEREBY

DISMISS the Request as moot.

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

Done this 3rd day of August 2015,
At The Hague,
The Netherlands.



Judge Burton Hall
Single Judge

[Seal of the Mechanism]