



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
former Yugoslavia Since 1991

Case No.: IT-95-5/18-PT
Date: 15 October 2009
Original: English

IN TRIAL CHAMBER III

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 15 October 2009

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER SEVERING RATKO MLADIĆ

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”),

ex proprio motu;

NOTING that an indictment against Radovan Karadžić and Ratko Mladić was confirmed on 25 July 1995, with the case number IT-95-5, and a second indictment against Radovan Karadžić and Ratko Mladić was confirmed on 16 November 1995, with the case number IT-95-18;¹

NOTING that the two indictments were joined during the review procedure conducted in July 1996, pursuant to Rule 61 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), and the joined case was assigned the case number IT-95-5/18;²

NOTING that the joined indictment was amended by the Office of the Prosecutor (“Prosecution”) insofar as it pertained to the Accused Radovan Karadžić on 31 May 2000, and that it was amended insofar as it pertained to the Accused Ratko Mladić on 11 November 2002, both amended indictments being filed under case number IT-95-5/18;³

CONSIDERING that the Accused Radovan Karadžić made an initial appearance before the Tribunal on 31 July 2008, that a further amended indictment against him was filed on 27 February 2009,⁴ and that the Third Amended Indictment remains the operative indictment in the trial of Radovan Karadžić, case number IT-95-5/18, which has been scheduled to commence on 26 October 2009;⁵

CONSIDERING that the Accused Ratko Mladić remains at large;

CONSIDERING that it is in the interests of justice, and of clarity that Ratko Mladić be severed from the case against Radovan Karadžić, and that no decision or judgement of the Trial Chamber in

¹ *Prosecutor v. Karadžić and Mladić*, Case No. IT-95-5-I, Review of Indictment, 25 July 1995; *Prosecutor v. Karadžić and Mladić*, Case No. IT-95-18-I, Review of the Indictment, 16 November 1995.

² *Prosecutor v. Karadžić and Mladić*, Case Nos. IT-95-5-R61 and IT-95-18-R61, Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence 11 July 1996.

³ *Prosecutor v. Karadžić*, Case No. IT-95-5/18-I, Order Granting Leave to Amend the Indictment and Confirming the Amended Indictment, 31 May 2000; *Prosecutor v. Mladić*, Case No. IT-95-5/18-I, Order Granting Leave to file an Amended Indictment and Confirming the Amended Indictment, 11 November 2002.


⁴ *Prosecutor v. Karadžić*, Case No. IT-95-5/18-I, Third Amended Indictment, 27 February 2009. *See also*, *Prosecutor v. Karadžić*, Case No. IT-95-5/18-PT, Decision on Prosecution Motion to Reconsider the Trial Chamber’s Decision on the Motion to Amend the First Amended Indictment, 26 February 2009; Decision on Motion to Amend the First Amended Indictment, 16 February 2009.

the proceedings against Radovan Karadžić should be read as a determination of the individual criminal responsibility of Ratko Mladić;

PURSUANT TO Rule 54 of the Rules;

HEREBY ORDERS that the Accused Ratko Mladić is severed from case number IT-95-5/18, as of this date, and the Registry shall assign a new case number to any further submissions or proceedings that involve Ratko Mladić.

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



Judge O-Gon Kwon
Presiding

Done this fifteenth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ *Prosecutor v. Karadžić*, Case No. IT-95-5/18-PT, Scheduling Order for the Commencement of Trial, 14 October 2009.