

UNITED  
NATIONS



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 5 June 2020

Original: English

**BEFORE THE APPEALS CHAMBER**

**Before:** Judge Prisca Matimba Nyambe (Presiding)  
Judge Aminatta Lois Runeni N’gum  
Judge Gberdao Gustave Kam  
Judge Seymour Panton  
Judge Elizabeth Ibanda-Nahamya

**Registrar:** Mr. Olufemi Elias

**Date:** 5 June 2020

**PROSECUTOR**

**v.**

**RATKO MLADIĆ**

*Public with Public Annex A and Confidential Annex B*

**SECOND DEFENCE NOTICE**

**Office of the Prosecutor:**

Ms. Laurel Baig  
Ms. Barbara Goy

**Counsel for Ratko Mladić:**

Mr. Branko Lukić  
Mr. Dragan Ivetić

**Office of the Registrar:**

Mr. Olufemi Elias, Registrar

**THE INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS**

**PROSECUTOR**

**v.**

**RATKO MLADIĆ**

*Public with Public Annex A and Confidential Annex B*

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**SECOND DEFENCE NOTICE**

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RATKO MLADIĆ by and through his counsel of record, (hereinafter "Mr. Mladić" or "Defence"), hereby submits the Instant SECOND DEFENCE NOTICE:

1. On 11 May 2020 the Appeals Chamber issued a public scheduling order (hereinafter "Status Order") setting the case for a Status conference on 29 May 2020 (subject to the tentative and conditional consents referenced in footnote 7 of that order).
2. On 1 May 2020 the Appeals Chamber issued a Public Second Order Scheduling the Hearing of the Appeals (hereinafter "Appeals Order") setting same for 16-17 June 2020 subject to change. This Second Order was based on reports submitted by the Registrar as of that date of Mr. Mladić recovering well from his surgery and being recovered from same.<sup>1</sup>
3. On 7 May 2020 the Registrar's Confidential Report to the Appeals Chamber by the Deputy UNMO provided a significantly changed and worsening picture of the health of Mr. Mladić and his recovery from surgery which provided a course of treatment the UNMO was taking to try and address his anemic state (reported value = 4.9 mmol/l). That report has raised concerns about the accuracy, credibility and veracity of Registrar reporting on the health of Mr. Mladić, as well as the proposed treatment being inadequate.
4. On 13 May 2020 we filed our initial Defence Notice, advising of a complaint being filed before the Registrar and supported by 3 independent medical professionals. The Notice

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<sup>1</sup> Appeal Order, pg. 2.

itself was public but the Complaint to the Registrar was Confidential, as an annex to the same, with the doctors' reports.

5. This instant filing gives a second notice to the Appeals Chamber that Mr. Mladić has, on today's date, filed a complaint with the President of the Mechanism, and the Independent Monitoring Body<sup>2</sup> The Appeals Chamber is apprised of same insofar as the issues raised relate to the health of Mr. Mladić, and the risk of a catastrophic event (ie. the fatality/death of Mr. Mladić) if measures are not taken to adequately address the worsened health of Mr. Mladić. The urgency of this matter and the rapidly deteriorating nature Mr. Mladić's health meant we could not wait for the Status Conference to raise this. This is due to information at our disposal that the health of Mr. Mladić has further worsened under the care of the UNMO and Registry – with his haemoglobin dropping to a 4.4 value, and a transfusion now being considered.

6. The Registrar has failed to comply with the time period for answering the Complaint as set forth in the Regulations, and appears to have also breached the Regulations by failing to apprise the President of Mladić's complaint. Thus, the Defence exercised its rights to file a complaint before the President. Any objection to the Complaint being directly served on the Registrar (pursuant to the reasons therein) were thus waived or conceded by the Registrar at that point. Likewise, by operation of law, the failure to answer the complaint renders facts pleaded in the complaint admitted.

7. Regulation 14 of the Mechanism Regulation allows a Detainee to raise a complaint with the Independent Monitoring Body at any time, irrespective of the process before the Registrar and President. The Independent Monitoring Body is recognized under Rule 2, 15 and 95, among others of the Rules of Detention.<sup>3</sup>

8. The Complaint to the President is attached hereto as Public Annex A of this Notice, while the attachments of the complaint are in Annexes B1-B3.

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<sup>2</sup> As foreseen under the Rules of Detention and the Regulations for the filing of complaints by Detainees.

<sup>3</sup> <https://www.irmct.org/sites/default/files/documents/181105-irmct-rules-of-detention.pdf>.

9. The Defence remains available to keep the Appeals Chamber apprised of this matter, so that it may take into account the same when assessing the medical condition and recover of Mr. Mladić based on a fuller, completer and more reliable picture of the pertinent facts.

*Word Count: 640*

**RESPECTFULLY SUBMITTED BY:**



Branko Lukić

*Lead Counsel for Ratko Mladić*



Dragan Ivetić

*Co-Counsel for Ratko Mladić*

Dated this 5<sup>th</sup> of June 2020

Belgrade, Serbia &

The Hague, Netherlands



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<b>Case Name/ Affaire :</b>	Prosecutor v Mladić		<b>Case Number/ Affaire n° :</b>	MICT-13-56-A
<b>Date Created/ Daté du :</b>	5 June 2020	<b>Date transmitted/ Transmis le :</b>	5 June 2020	<b>No. of Pages/ Nombre de</b> 5 + 9 Annex (A) + 37 Annex B
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Rev: August 2019/ *Rév. : Août 2019*