

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 24 May 2021

Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Prisca Matimba Nyambe, Presiding
Judge Aminatta Lois Runeni N’gum
Judge Seymour Panton
Judge Elizabeth Ibanda-Nahamya
Judge Mustapha El Baaj

Registrar: Mr. Abubacarr Tambadou

Date: 24 May 2021

THE PROSECUTOR

**v.
RATKO MLADIĆ**

Public

DEFENCE URGENT NOTICE ON UNAVAILABILITY OF CO-COUNSEL

The Office of the Prosecutor:

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

Counsel for the Accused:

Mr. Branko Lukić
Mr. Dragan Ivetić

THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**PROSECUTOR****v.****RATKO MLADIĆ***Public*

DEFENCE URGENT NOTICE ON UNAVAILABILITY OF CO-COUNSEL

The Appellant Ratko Mladić, by and through his Attorney's of record, hereby files this Instant Urgent Notice, and states as follows:

1. The Appeals Judgment pronouncement hearing has been set on Tuesday, 8 June 2021, at 15.00 in Courtroom 1 by the order of the Appeals Chamber.¹
2. By that same order the defence has been asked to provide information on who will be present, and if participating either in person or via video-link, including as to Mr. Ratko Mladic by 25 May 2021. Such a filing will be made in due course, but due to an emergent change in circumstances we wanted to urgently apprise the Chamber as follows.
3. This Notice is filed publicly with the express permission and authorization of Mr. Dragan Ivetić setting forth the limited personal medical details out of necessity to apprise the Chamber and for transparency but retaining his privacy as to specificity of ailments and medical providers.

¹ Scheduling Order for Pronouncement of Judgment, 30 April 2021, Public

4. Out of an abundance of caution, and before the deterioration of Mr. Ivetić's health problems, quarantine waivers were filed for all Defence team member that may potentially have to attend by traveling from countries the Dutch consider requiring quarantine, without yet making any affirmative declaration as to their attendance, presence, or means of participation.
5. At the time of the same, Mr. Dragan Ivetić (Co-Counsel) was present in the Hague, and though going through therapy for a long illness, did not need a waiver and only required medical clearance from the UN Medical department (with whom he has been in contact several months). Thus, no problems were foreseen for his attendance, especially given that his intravenous antibiotics had been completed and recovery seemed to be going well at that time.
6. On 17 May 2021 the Chamber granted waivers for all persons from Defence team requested.
7. On 21 May 2021 Mr. Ivetić awoke with a fever of 40.7 degrees Celsius, and immediately consulted with his house doctor and went to the ER of the hospital that same day for blood tests, cultures, etc.
8. By way of brief background (known already to OLAD and the UN medical office at the Hague Branch) Mr. Ivetić contacted a rare and serious bacterial infection while in Tanzania performing his duties at the Mechanism Arusha Branch in another proceeding. Since late October/early November 2020 to present, he has suffered from same and been treated for same, including 1 visit to a Tanzanian Hospital; 4 months in a Dutch Hospital (2 admissions); 20 weeks of Intravenous Antibiotics; and the current hospital admission which is of as yet undetermined duration or location.² During this time period he was often

² Mr. Ivetić is scheduled to be transferred to another Dutch hospital in another city for a specialized test. Thereafter the plan for treatment is likely to include stabilizing him so he can be transported to the United States and that his care can be taken over by a team of Infectious disease specialists who will be in contact with the original Dutch Hospital.

unable to walk or stand on his own and required strong medication to deal with the pain emanating from muscles and parts of the spine afflicted by the bacterial infection.

9. Mr. Ivetić was discharged 22 January 2021 and the prognosis was good as his blood levels were mostly normal (as to the infection) and diagnostic testing did not detect abscesses previously afflicting the spine and muscles.
10. Unfortunately, on 15 February 2021 with a fever and elevated blood inflammation rates Mr. Ivetić was again admitted to the hospital for a second time and second treatment. While his recovery and physical therapy greatly improved his condition, repeated diagnostic and blood tests determined that he could continue with Intravenous antibiotics and medication which could be administered at home. Unfortunately, while those arrangements were underway, Mr. Ivetić was among a group of persons who contracted Covid-19 infection in the hospital, and he spent 2 weeks in the Covid ward until he tested positive for antibodies, and was declared covid free. After another week and a half he was released home for home care as discussed below, and a resumption of physical therapy which had to be stopped during Covid-19 infection.
11. Mr. Ivetić's last Intravenous Antibiotic treatment was for 39 day via "thuiszorg" or homecare with a nurse coming to his house and regular blood tests being checked by the doctors at the Hospital. All appeared to be going well and physical therapy was started. On 9 May 2021, based on the latest blood test results, the treating Infectious Disease Doctor at the Hospital (part of the colloquium of multidisciplinary experts treating him since November) recommended ending the Antibiotics regime. Up until the day of the re-admission, Mr. Ivetić was able to function on his own, walk 4-6 kilometres without a cane and seemed on the road to recovery.
12. Given all the foregoing circumstances, it is our duty to let you know of a change in circumstances, namely Mr. Ivetić's unexpected hospitalization and urgent need for continued hospitalization and treatment.

13. These grave circumstances will unfortunately prevent Mr. Ivetić from participating in the Appeal Judgment Pronouncement as currently scheduled, in any capacity whatsoever due do not being medically cleared for the same.

Word count: 884

RESPECTFULLY SUBMITTED BY:

A handwritten signature in black ink, appearing to read 'B. Lukić', with a stylized flourish at the end.

Branko Lukić
Lead Counsel for Ratko Mladić

Dated This 24th of May 2021
Belgrade, Serbia



I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input type="checkbox"/> President / <i>Président</i>	<input type="checkbox"/> Chambers / <i>Chambre</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
	<input type="checkbox"/> Registrar / <i>Greffier</i>	<input type="checkbox"/> Other/ <i>Autre</i>	<input checked="" type="checkbox"/> Defence / <i>Défense</i>
Case Name/ Affaire :	Prosecutor v Mladić	Case Number/ Affaire n° :	MICT-13-56-A
Date Created/ Daté du :	24 May 2021	Date transmitted/ Transmis le :	24 May 2021
			No. of Pages/ Nombre de pages : 5
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Other/Autre (specify/préciser) :
		<input type="checkbox"/> Kinyarwanda / <i>B/C/S</i>	
Title of Document/ Titre du document :	DEFENCE URGENT NOTICE ON UNAVAILABILITY OF CO-COUNSEL		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
Document type/ Type de document :			
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
<input type="checkbox"/> Decision/ <i>Décision</i>	<input checked="" type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction :</i> (Word version of the document is attached/ <i>La version Word est jointe</i>)
<input type="checkbox"/> English/ <i>Anglais</i> <input checked="" type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre(specify/préciser) :
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>
Original/ Original en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda / <i>B/C/S</i> <input type="checkbox"/> Other/Autre (specify/préciser) :
Translation/ Traduction en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda / <i>B/C/S</i> <input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :

Send completed transmission sheet to/ *Veuillez soumettre cette fiche dûment remplie à :*

JudicialFilingsArusha@un.org OR/ *OU* JudicialFilingsHague@un.org

Rev: August 2019/ *Rév. : Août 2019*