

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 25 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 Tambaou

Date: 25 May 2021

**THE PROSECUTOR
v.
RATKO MLADIĆ**

Public

**DEFENCE NOTICE IN COMPLIANCE WITH SCHEDULING ORDER AND
URGENT MOTION TO POSTPONE PRONOUNCEMENT OF JUDGMENT**

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 NOTICE IN COMPLIANCE WITH SCHEDULING ORDER AND
URGENT MOTION TO POSTPONE PRONOUNCEMENT OF JUDGMENT**

The Appellant Ratko Mladić, by and through his Attorneys of record, hereby files this notice and request, and states as follows:

I Introduction

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. The parties were ordered to inform the Registrar of the Mechanism in writing by 25 May 2021 in the event that, due to the coronavirus pandemic-related restrictions, any counsel or Mr. Mladić would elect to participate in the hearing by means of a videoconference, rather than in person.¹
2. At the outset, it should be noted that immediately after the aforesaid scheduling order, Mr. Mladić spoke definitively and provided his unwavering position rejecting any video-links, insisting to be present personally in the courtroom accompanied by both of his acquainted Legal Counsels, Mr. Branko Lukić and Mr. Dragan Ivetić.

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

3. Further, without waiving any of defence submissions and reserving all rights and objections made up to this filing, the Defence hereby gives the updated notice as to the remaining positions of the Defence team, and due to the same, files the urgent request to the Chamber to postpone the pronouncement of Judgment date, as follows.

II Submissions

4. The Defence recalls and reiterates its filing of 24 May 2021, informing the Appeals Chamber and Registry on unavailability of Mr. Dragan Ivetić, Co-Counsel for Mr. Mladić, who unfortunately will not be able to participate in the scheduled pronouncement of Judgment, due to his emergency hospitalization and ongoing treatment preventing his participation in any form.²
5. The Defence further reiterates and informs, that subsequent to the issuing of the scheduling order, Co-Counsel Ivetić had the telephonic communication explicitly discussing the same with Mr. Mladić, receiving the strict instructions as set forth in the paragraph 2 of this filing. Subsequent to that time, Mr. Lukić, Lead Counsel, has received from Mr. Ivetić such information as to Mr. Mladić's position, and confirmed the same strict instructions via Mr. Mladić's family. According to the Serbian Attorney Ethical Code, Mr. Lukić is bound by unwavering professional duty to his client, and in any event must follow and adhere to client's instructions, and under the current circumstances cannot confirm his presence during pronouncement of Judgment, either in person or via video-link, due to instructions given by Mr. Mladić and Ethical Code.
6. Defence respectfully note that pronouncement of Judgment has been scheduled despite the existence of the same objective reasons previously leading to vacating Status Conference for 19 November 2020, after the appeals hearing, to be deferred to a time when either Counsel or Co-Counsel is able to travel to The Hague and appear in court with Mr. Mladić, due to the objective circumstances and obstacles which still exists.³ Under the Rules, a Status Conference as to the health of the Appellant is a fundamental right under

² Defence Urgent Notice on Unavailability of Co-Counsel, 24 May 2021, Public

³ Order on scheduling of a Status Conference, 10 November 2020, Public

the Rules of the Mechanism, which must be scheduled within prescribed time period, while the current scheduling of the pronouncement of Judgment prohibits, and thus violates the same.

7. Additionally, Mr. Mladić's mental capacity to meaningfully participate in the proceeding still remained unverified, and has been potentially identified as impacting negatively to the integrity of the proceedings.
8. As to availability of other team members, namely, Legal Consultants, Ms. Peta-Louise Bagott, Mr. Boris Zorko, Mr. Jason Alarid, Mr. Kurt Kerns and Mr. Miodrag Stojanović, we note that arrangements were made for them to be present in Hague, but their right of audience is contingent upon counsels' presence, pending request and other pending matters.

III Relief sought

Thus, under these unforeseen, unfortunate and extreme circumstances, the Defence of Ratko Mladić respectfully request from the Appeals Chamber to stay the hearing on pronouncement of Judgment, and to postpone the same until a time when both Counsels could be present in court in person with their client.

Word count: 674

RESPECTFULLY SUBMITTED BY:



Branko Lukić
Lead Counsel for Ratko Mladić

Dated This 25th of May 2021
Belgrade, Serbia



I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

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