

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 1 May 2020

Original: English

IN 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

Order of: 1 May 2020

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**SECOND ORDER SCHEDULING
THE HEARING OF THE APPEALS**

The Office of the Prosecutor:

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

Counsel for Mr. Ratko Mladić:

Mr. Branko Lukić
Mr. Dragan Ivetić

THE APPEALS CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively);¹

NOTING the judgement issued in this case by Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia on 22 November 2017;²

NOTING the appeals against the Trial Judgement filed before the Mechanism by Mr. Ratko Mladić (“Mladić”) and the Office of the Prosecutor of the Mechanism (“Prosecution”), and that the filing of the briefs in these appeals is complete;³

RECALLING the “Scheduling Order for the Hearing of the Appeals”, issued on 16 December 2019 (“Scheduling Order of 16 December 2019”), ordering that the hearing of the appeals in the present case shall take place in The Hague, The Netherlands on 17 and 18 March 2020;⁴

NOTING the motion, filed by Mladić on 28 February 2020, requesting the Appeals Chamber to, *inter alia*, reschedule the appeal hearing to a fixed date four to six weeks after his then upcoming surgery;⁵

RECALLING the “Decision on a Motion to Stay the Appeal Hearing”, issued confidentially on 6 March 2020 (“Decision to Stay Appeal Hearing”),⁶ *inter alia*: (i) vacating the Scheduling Order of 16 December 2019; (ii) staying the hearing of the appeals until further notice on the basis of Mladić’s upcoming surgery; and (iii) requesting the Registrar to inform the Appeals Chamber on a weekly basis of matters relating to the scheduling of Mladić’s surgery and his recovery therefrom to

¹ Order Assigning Judges to a Case Before the Appeals Chamber, 19 December 2017, p. 1; Order Assigning Three Judges Pursuant to Rule 18 of the Rules, 4 September 2018 (originally filed in French; English translation filed on 5 September 2018), p. 1; Order Replacing a Judge, 14 September 2018 (originally filed in French; English translation filed on 27 February 2019), p. 1.

² *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgment, 22 November 2017 (public with confidential annex) (“Trial Judgement”).

³ See Notice of Appeal of Ratko Mladić, 22 March 2018 (public with public and confidential annexes); Appeal Brief on Behalf of Ratko Mladić, 6 August 2018 (confidential); Notice of Filing of Corrigendum to: Appeal Brief on Behalf of Ratko Mladić, 16 August 2018 (confidential; public redacted version filed on 11 September 2018); Prosecution Response Brief, 14 November 2018 (confidential; public redacted version filed on 1 February 2019); Reply to Prosecution’s Response Brief on Behalf of Ratko Mladić, 29 November 2018 (confidential; public redacted version filed on the same date). See also Prosecution’s Notice of Appeal, 22 March 2018; Prosecution Appeal Brief, 6 August 2018 (confidential; public redacted version filed on 7 August 2018); Response to Prosecution’s Appeal Brief on Behalf of Ratko Mladić, 14 November 2018; Prosecution Rep[ly] Brief, 29 November 2018 (confidential; public redacted version filed on 21 January 2019).

⁴ Scheduling Order of 16 December 2019, pp. 1, 2.

⁵ Urgent Defence Motion to Stay Appeal Oral Arguments Hearing in Order to Permit Competency Review of Appellant and Hearing on Same, 28 February 2020 (confidential; public redacted version filed on 10 March 2020), para. 5, p. 8.

⁶ The public redacted version of the Decision to Stay Appeal Hearing was filed on 11 March 2020. See Public Redacted Version of “Decision on a Motion to Stay the Appeal Hearing” of 6 March 2020, 11 March 2020.

facilitate the expeditious rescheduling of the hearing to a date approximately six weeks after the surgery;⁷

NOTING that Mladić's surgery took place on 28 March 2020;⁸

NOTING FURTHER that, according to medical reports submitted by the Registrar, Mladić is recovering well from the surgery, and that, although he is an elderly patient with health conditions, "it seems reasonable to expect [that] the estimated six weeks recovery time will be realised";⁹

CONSIDERING that the six week period following Mladić's surgery ends on 9 May 2020;

NOTING the current coronavirus pandemic-related restrictions, including restrictions on travel and entry into The Netherlands which are presently in effect until 15 May 2020;¹⁰

CONSIDERING the need to hold the hearing of the appeals in this case without delay when it is safe and practicable to do so;

PURSUANT to Rule 141 of the Rules of Procedure and Evidence of the Mechanism,

HEREBY ORDERS that the hearing of the appeals in the present case shall take place in The Hague, The Netherlands on 16 and 17 June 2020 in Courtroom I, subject to change should coronavirus pandemic-related restrictions inhibit the necessary travel or the holding of the hearing for other reasons;

⁷ Decision to Stay Appeal Hearing, p. 4. *See also* Decision on a Motion to Reconsider the Decision Staying the Appeal Hearing, 11 March 2020 (confidential; public redacted version filed on the same date), p. 4, wherein the Appeals Chamber dismissed the Prosecution's motion to reconsider the Decision to Stay Appeal Hearing.

⁸ *See* Registrar's Submission of a Medical Report Prepared by the Medical Officer of the United Nations Detention Unit Concerning Mr. Mladić's Surgery and Recovery, 2 April 2020 (confidential), Annex, para. 1. *See also* Order on Defence Submissions of 30 March 2020, 3 April 2020, p. 2.

⁹ *See* Registrar's Submission of a Medical Report Prepared by the Medical Officer of the United Nations Detention Unit Concerning Mr. Mladić's Recovery from Surgery, 9 April 2020 (confidential), Annex, para. 1; Registrar's Submission of a Medical Report Prepared by the Medical Officer of the United Nations Detention Unit Concerning Mr. Mladić's Recovery from Surgery, 16 April 2020 (confidential), Annex, paras. 1, 5; Registrar's Submission of a Medical Report Prepared by the Deputy Medical Officer of the United Nations Detention Unit Concerning Mr. Mladić's Recovery from Surgery, 24 April 2020 (confidential), Annex, paras. 1, 4; Registrar's Submission of a Medical Report Prepared by the Medical Officer of the United Nations Detention Unit Concerning Mr. Mladić's Recovery from Surgery, 30 April 2020 (confidential), Annex, paras. 1, 4.

¹⁰ *See* "Coronavirus Disease (COVID-19) Pandemic", World Health Organization, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019> (accessed on: 1 May 2020); "Travel and transportation during the coronavirus pandemic", European Commission, https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/travel-and-transportation-during-coronavirus-pandemic_en (accessed on: 1 May 2020).

FURTHER INFORMS the parties that the timetable of the hearing of the appeals shall be as follows, subject to adjustments as appropriate:¹¹

Tuesday, 16 June 2020

09:20 – 09:30 Introductory Statement by the Presiding Judge (10 minutes)

Appeal of Ratko Mladić

09:30 – 11:00 Submissions of Mladić (1 hour 30 minutes)

11:00 – 11:30 *Pause (30 minutes)*

11:30 – 13:00 Submissions of Mladić (1 hour 30 minutes)

13:00 – 14:00 *Pause (1 hour)*

14:00 – 15:30 Response of the Prosecution (1 hour 30 minutes)

15:30 – 16:00 *Pause (30 minutes)*

16:00 – 17:30 Response of the Prosecution (1 hour 30 minutes)

Wednesday, 17 June 2020

Appeal of Ratko Mladić

09:30 – 11:00 Reply of Mladić (1 hour 30 minutes)

11:00 – 11:30 *Pause (30 minutes)*

Appeal of the Prosecution

11:30 – 12:00 Submissions of the Prosecution (30 minutes)

12:00 – 12:30 Response of Mladić (30 minutes)

12:30 – 12:45 Reply of the Prosecution (15 minutes)

Personal Address

12:45 – 12:55 Personal Address by Mladić (10 minutes) (*optional*)

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

Done this 1st day of May 2020,
At The Hague,
The Netherlands



Judge Prisca Matimba Nyambe
Presiding Judge

[Seal of the Mechanism]

¹¹ In particular, the timetable may be adjusted during the hearing to accommodate Judges' questions without shortening the time for the presentation of submissions.



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