

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 11 May 2020

Original: English

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**IN THE APPEALS CHAMBER**

**Before: Judge Prisca Matimba Nyambe, Pre-Appeal Judge**

**Registrar: Mr. Olufemi Elias**

**Order of: 11 May 2020**

**PROSECUTOR**

**v.**

**RATKO MLADIĆ**

***PUBLIC***

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**ORDER SCHEDULING A STATUS CONFERENCE**

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**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

**I, PRISCA MATIMBA NYAMBE**, Judge of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively) and Pre-Appeal Judge in this case;<sup>1</sup>

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

**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;<sup>3</sup>

**NOTING** that Mladić is currently in custody at the United Nations Detention Unit (“UNDU”) in The Hague pending resolution of the appeal proceedings against the Trial Judgement;

**RECALLING** that, in accordance with Rule 69(B) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), the Appeals Chamber or an Appeals Chamber Judge shall convene a status conference within 120 days of the last status conference to allow a person in custody pending appeal the opportunity to raise issues in relation thereto, including the mental and physical condition of that person;

**NOTING** that the last status conference in this case was held on 30 January 2020;<sup>4</sup>

**RECALLING** that, pursuant to Rule 69(C)(ii) of the Rules, with the written consent of the person in custody, given after receiving advice from his counsel, a status conference may be conducted in his absence, but with his participation via teleconference if he so wishes and/or participation of his counsel via teleconference or videoconference;

**CONSIDERING** the current coronavirus pandemic-related restrictions, including restrictions on travel;<sup>5</sup>

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<sup>1</sup> 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 Assigning a Pre-Appeal Judge, 12 September 2018, p. 1.

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

<sup>3</sup> 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 Reply Brief, 29 November 2018 (confidential; public redacted version filed on 21 January 2019).

<sup>4</sup> T. 30 January 2020 pp. 1-11. See also Order Scheduling a Status Conference, 17 October 2019, p. 2.

**CONSIDERING** that, in view of the present circumstances of the coronavirus pandemic, Mladić has consented to participating in the upcoming status conference remotely from the UNDU pursuant to Rule 69(C)(ii) of the Rules;<sup>6</sup>

**FINDING** that, given the present circumstances, it is therefore appropriate that I conduct a status conference in The Hague by means of a videoconference with Mladić and/or his counsel participating via teleconference or videoconference pursuant to Rule 69(C)(ii) of the Rules;

**CONSIDERING FURTHER** that Mladić shall have access to privileged communication with his counsel prior to and during the status conference and that it is appropriate to request submissions from the Registrar to this effect in light of the coronavirus pandemic restrictions;<sup>7</sup>

**PURSUANT TO** Rules 69(B) and 69(C)(ii) of the Rules;

**HEREBY ORDER** that a status conference shall be held on Friday, 29 May 2020, at 11.00, in Courtroom 1, which I will conduct by means of a videoconference and in which Mladić and/or his counsel will participate via teleconference or videoconference in accordance with Rule 69(C)(ii) of the Rules;

**REQUEST** the Registrar to file submissions within two days of the filing of this Order detailing the means available to Mladić for privileged communication with his counsel prior to and during the status conference; and

**REQUEST** Mladić to file any submissions on the issue of privileged communication related to the status conference within two days of the filing of the Registrar's submissions.

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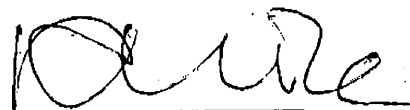
<sup>5</sup> See, e.g., "Coronavirus Disease (COVID-19) Pandemic", World Health Organization: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019> (accessed on: 11 May 2020); "Dutch measures against coronavirus", Government of the Netherlands: <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands> (accessed on: 11 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](https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/travel-and-transportation-during-coronavirus-pandemic_en) (accessed on: 11 May 2020).

<sup>6</sup> See Email correspondence from Mladić's Co-Counsel to the Senior Legal Officer of the Appeals Chamber, 8 May 2020 (confidential).

<sup>7</sup> See Article 19(4)(b) of the Statute of the Mechanism; Rules 55 and 131 of the Rules; Rule 73 of the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Mechanism or Otherwise Detained on the Authority of the Mechanism.

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

Done this 11<sup>th</sup> day of May 2020,  
At The Hague,  
The Netherlands



Judge Prisca Matimba Nyambe  
Pre-Appeal Judge

**[Seal of the Mechanism]**



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