

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 22 August 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. Abubacarr Tambadou

Date: 22 August 2020

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

SECOND UPDATED DEFENCE NOTICE

The Office of the Prosecutor:

Ms. Laurel Baig
Ms. Barbara Goy

Counsel for Ratko Mladić:

Mr. Branko Lukić
Mr. Dragan Ivetić

The Office of the Registrar:

Mr. Abubacarr Tambadou

**THE INTERNATIONAL RESIDUAL MECHANISM FOR INTERNATIONAL
CRIMINAL TRIBUNALS**

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

SECOND UPDATED DEFENCE NOTICE

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

1. Without waiving any of our previous submissions and reserving all rights and objections made therein we hereby give a second updated notice to the Chamber and Registry as follows.
2. The Defence hereby informs the Appeals Chamber, that Lead Counsel, Mr. Branko Lukić, will not be able to attend in person nor by means of video-link for the event scheduled for 25 and 26 August 2020, due to unresolvable conflicts posed by either means of participation with the mandatory provisions of his domestic ethics code of conduct, and due to current health risks of travel during a global pandemic, without quarantine, (particularly as to the client). These same circumstances pertain to Legal Consultant, Mr. Boris Zorko.
3. The Defence position takes into account current absence of meaningful communication, lack of instruction from the Appellant, refusal of the majority of the Appeals Chamber to conduct a capacity review procedure despite opinions from medical professionals, any explicit commitment to the current schedule could present acts contrary to explicit client's rights leading to a miscarriage of justice. Even without those obstacles on the part of professional duty of counsel to his client, participation in person by travel at this

time (without quarantine), would be contrary to medical instructions and irresponsible and potentially harmful to the client due to his potential exposure to Covid-19.

4. Those circumstances cumulatively, prevents Lead Counsel Lukić and Legal Consultant Zorko to confirm their attendance in current schedule of proposed hearing (regardless in person or via video-link).

5. Out of an abundance of caution, considering that schedule being imposed, we believe unjustly in error, by an order and upheld by the majority of the Appeals Chamber, the Defence gives tentative notice of the physical presence of Co-Counsel Dragan Ivetić and Legal Consultant Peta-Louise Bagott in the courtroom on the scheduled dates for the proposed hearing, in order to avoid any potential implied and erroneous conclusion that absence demonstrates waiver of the Appellant's rights and/or a meritorious appeal and to protect and preserve his rights. The status of Co-Counsel Dragan Ivetić and Legal Consultant Peta-Louise Bagott is tentative pending coronavirus test results for both and medical clearance.

Word Count: 385

RESPECTFULLY SUBMITTED BY:



Branko Lukić

Lead Counsel for Ratko Mladić



Dragan Ivetić

Co-Counsel for Ratko Mladić

Dated this 22nd of August 2020

Belgrade, Serbia & The Hague, Netherlands



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Date Created/ Daté du :	22 August 2020	Date transmitted/ Transmis le :	22 August 2020
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