

THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

Case No. MICT-13-56-A

BEFORE THE APPEALS CHAMBER

Before the Honourable: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Liu Daqun
Judge Prisca Matimba Nyambe
Judge Seymour Panton

Registrar: Mr. Olufemi Elias

Date Filed: 22 March 2018

THE PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC
WITH PUBLIC AND CONFIDENTIAL ANNEXES

NOTICE OF APPEAL OF RATKO MLADIĆ

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Pursuant to Article 133. of Rules of Procedure and Evidence of the Mechanism for International Criminal Tribunals, the Appellant, Ratko Mladić, by and through his counsel of record, files this Notice of Appeal (hereinafter: "Notice") setting out its grounds of appeal against the Judgment of Trial Chamber I in the case of *Prosecutor v. Ratko Mladić, Case No.: IT-09-92-T*, dated 22 November 2017 (hereinafter: "Judgment").

I. PROCEDURAL BACKGROUND

1. On 22 November 2017, Trial Chamber I rendered its Judgement in the case of *Prosecutor v. Ratko Mladić, Case No. IT-09-92-T*. The Appellant was found guilty of 10 counts on the Indictment and sentenced to life imprisonment.

2. The Appellant has not yet been provided with a copy of the Judgment in a language he understands. Accordingly, the Defence reserves the right to raise any and all errors of law and fact after he has had the opportunity to examine the findings of the Trial Chamber in the Judgment.

3. Due to time and resources constraints that remain unresolved at the time of filing of this Notice,¹ the Defence have not had the opportunity to review the record, conduct post-trial investigations and engage in the necessary research. As such, the Defence respectfully

¹See, Decision on a Further Motion for an Extension of Time to File a Notice of Appeal, 9 March 2018, p. 2.

reserves the right to file supplement, amend or file a variation of grounds of Appeal under Rule 133 of the Rules of Procedure and Evidence.

4. The Defence recalls that a neurologist has concluded that the Appellant's mental capacity during the trial and before the Judgement was compromised, rendering him unfit to meaningfully participate in the trial. The "Motion to Vacate Judgement and Stay of Proceedings" filed by the Defence on 31 January 2018 remains pending and has not yet been determined. By filing this Notice, the Defence does not waive or prejudice any of those submissions. This filing is made subject to enactment of a proper capacity procedure.

II. OVERVIEW OF SUBMISSIONS

5. The Defence appeals against the convictions entered on Counts 2 - 11 by the Trial Chamber and the life sentence imposed on the Appellant.

6. At this stage the Defence notes that all paragraphs of the Judgement are subject to challenge and/or review. In addition, due to the egregious and unfair manner in which this Trial chamber conducted its affairs and violated due process, the Defence challenges and objects to each Prosecution Motion that was granted over its Objection and every Defence Motion that was denied. The Defence have highlighted specific concerns wherever practicable. However, the Defence have identified the substance of the appeals on errors of law and fact in compliance with its obligations.

7. To assist the Appeals Chamber and the Prosecution, the individual grounds of appeal have been consolidated according to the central issue that the substance of the individual appeal pertains. The central grounds are as follows:

(a) **Ground One:** The manifest errors made by the Trial Chamber in the application/interpretation of the indictment resulted in violations of due process;

(b) **Ground Two:** The procedural errors made by the Trial Chamber infected the trial proceedings and the Judgement, thereby prejudicing the Appellant;

- (c) **Ground Three:** The Trial Chamber erred in law and in fact by finding that an overarching JCE existed and that the Appellant participated in it;
- (d) **Ground Four:** The Trial Chamber erred in law and in fact by finding that a JCE existed in Sarajevo and that the Appellant participated in it;
- (e) **Ground Five:** The Trial Chamber erred in law and in fact by finding that the Appellant participated in the JCE's alleged in Srebrenica in Counts 2-8;
- (f) **Ground Six:** The Trial Chamber erred in law and in fact by finding that the Appellant intended the objective of the hostage taking JCE and that he committed the *actus reus* and shared the requisite intent for the crime;
- (g) **Ground Seven:** Errors in law and in fact as to modes of liability;
- (h) **Ground Eight:** The Appellant's right to a fair trial was grossly violated;
- (i) **Ground Nine:** Appeal Against Sentence.

8. The Defence submits that for each error of law, the error invalidates the decision and for each error of fact, the Trial Chamber has occasioned a miscarriage of justice. In respect of each error of fact, the Defence submit that no reasonable trier of fact would have made the error under the evidence presented, using the appropriate law and principle of *in dubio pro reo*. The Defence submit that the cumulative effect of the legal and factual errors should be considered in the context of the appeal as a whole.

9. The volume and magnitude of errors in the Judgment is unprecedented. This is typified by the most basic mistakes being littered throughout the Judgement. For instance, the governmental position occupied by Slobodan Milošević is misidentified on numerous occasions. This is information within the public domain, yet the Trial Chamber failed to refer to it correctly. In a case of this nature, and of such international significance, this is unacceptable and inexcusable.

10. The Defence submits that the erroneous findings should be reversed; the Appellant’s convictions for Counts 2-11 should be quashed and substituted for findings of not guilty. In the alternative, a retrial ordered.

11. Further or in the alternative, the Defence submit that the Trial Chamber erred in imposing a sentence of life imprisonment. It made a discernible error by failing to take into account or give sufficient weight to the Defence submissions on mitigating evidence and, in particular, the ECtHR jurisprudence. As a consequence, the Defence submits that this factual error resulted in a miscarriage of justice and an abuse of the Trial Chamber’s discretion - namely the imposition of a sentence that is manifestly excessive in all the circumstances.

III. GROUND ONE: THE MANIFEST ERRORS MADE BY THE TRIAL CHAMBER IN THE APPLICATION/INTERPRETATION OF THE INDICTMENT RESULTED IN VIOLATIONS OF DUE PROCESS.

(A) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY EXPANDING THE MATERIAL CHARGES TO INCLUDE UNSCHEDULED INCIDENTS AND IMPOSING CRIMINAL LIABILITY FOR INCIDENTS THAT HAD NOT BEEN PLEADED WITH SUFFICIENT CERTAINTY.

12. The Trial Chamber conceded that “*a number of alleged crimes are not particularised by schedule*” and provided numerous examples.² It found that “*whether an alleged crime is listed in a schedule attached to the Indictment or not does not determine whether an indictment is defective*”.³ The question is whether the material facts are pleaded with sufficiency.⁴

13. The Defence submits that the Trial Chamber’s errors in law and fact, in relation to unscheduled incidents, include but are not limited to:

²Judgment, para. 5270.

³Judgment, para. 5269.

⁴Judgment, para. 5269.

- Imposing criminal liability for unscheduled incidents by expanding the material charge *proprio motu* on the Indictment and within the Judgement;⁵
- Allowing the Prosecution to lead evidence on scheduled and unscheduled incidents after the Rule 73bis (D) ruling – so in effect reversing the ruling that the Appellant could not be convicted with respect to crimes by enabling those incidents to be relied on to prove elements of the charged counts;⁶
- Reversing the onus of burden of proof and negating the presumption of innocence by enabling the Prosecution to lead evidence on scheduled incidents that had been dismissed;
- Relying on peripheral evidence for unscheduled incidents and even unidentified incidents from part of the Prosecution’s case to prove the elements of each count;
- Reversing the onus of burden of proof and negating the presumption of innocence by enabling the Prosecution to lead evidence on scheduled incidents that had been dismissed;
- *Proprio motu* deciding to expand the scope of the Indictment and Judgment to include convictions for both unscheduled and even non-identified incidents.

14. The Trial Chamber erred in law by applying the wrong legal standard to unscheduled and non-identifiable incidents. The Defence submits that the Trial Chamber committed discernible error which invalidates the criminal liability imposed for convictions. Further, no reasonable trier of fact would have reached a verdict of guilt on the unscheduled incidents and expanded/non-identifiable incidents for the aforementioned reasons. The decision resulted in a miscarriage of justice and gross abuse of judicial discretion.

⁵See, for example, Judgment, paras. 603-607, 1766, 1771, 1760-1762, 1766, 1796, 1799-1808, 2328, 2330, 2334, 2338, 2349, 2389, 2403-2406, 2413, 2430, 2432, 2443-2456, 2922- 2935, 2512, 2539, 2549, 2551, 2552, 2655, 2688.

⁶Judgement, para. 5267.

15. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,⁷ paragraphs from the Judgment⁸ and significant Decisions⁹, linked to this ground.

(B) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FAILING TO PROVIDE ADEQUATE NOTICE AS TO THE IDENTITY OF ALLEGED VICTIMS AND ALLEGED PERPETRATORS.

16. The Trial Chamber erred in law and fact in its conclusion that the identification of alleged victims was not material to the case¹⁰. In a case where the ethnicity of the alleged victims forms the basis of decisions on, for example, “mass scale” and also intent, it is fundamental.

17. Further, the identification of the military status of the victims as either civilians or combatants is also an indispensable consideration as part of this. The Trial Chamber “did not place any weight” on the Prosecution’s experts conclusions as to the military status of victims,¹¹ yet made no mention of the Defence expert's conclusions used in rebuttal.¹²

18. The identity of the perpetrators is crucial to findings of guilt pertaining to the Appellant’s criminal responsibility and/or decisions on his participation in a joint criminal enterprise and/or his superior responsibility.¹³

⁷ T.1-44905.

⁸ Judgment, paras. 376, 379, 501, 502, 511, 569, 603-607, 753, 754, 758-760, 781-784, 787, 835-839, 850-853, 860, 861, 894-902, 905, 921, 922, 928, 930, 1033, 1159, 1332, 1336, 1337, 1340, 1342, 1343, 1358, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1375, 1377, 1378, 1379, 1380, 1381, 1383, 1385, 1639, 1766, 1771, 1760-1762, 1766, 1771, 1783, 1796, 1799-1808, 1811, 1831, 1842, 1847, 1944, 1975-2013, 2120, 2151, 2153-2215, 2328, 2330, 2334, 2338, 2349, 2389, 2403-2406, 2413, 2430, 2432, 2443-2456, 2922- 2935, 2512, 2539, 2549, 2551, 2552, 2655, 2688, 2713, 2894, 2913, 2922-2962, 3051-3054, 3064, 3065, 3094, 3096, 3111, 3116, 3122-3125, 3142, 3147, 3150, 3165, 3166, 3167, 3168, 3180, 3183, 3190-3191, 3206, 3210, 3212, 3267, 3268, 3270, 3272, 3277, 3278, 3282-3287, 3294, 3295, 3299, 3300, 3301, 3306, 3308, 3312, 3317, 3324, 3325, 3329, 3340-3344, 3349, 3355, 3357, 3358, 3359, 3360, 3362, 3364, 3365, 3366, 3367, 3368, 3369, 3371, 3372, 3374, 3391, 3392, 3397, 3398, 3399, 3400, 3401, 3403, 3405, 3406, 3407, 3408, 3409, 3407, 3410, 3411, 3412, 3414, 3415, 3417, 3418, 3419, 3426, 3427, 3428, 3430, 3431, 3451, 3471, 3480, 3492, 3493, 3522, 3523, 3524, 3525, 3546, 3547, 3819, 3826, 3866, 3885, 3901, 3902, 3980, 3982, 3983, 4041, 4042, 4149-4152, 4229, 4404, 4616, 4922, 4976, 5012, 5214-5216, 5265-5270.

⁹ See, Annex A.

¹⁰ Judgment, paras. 2447, 5186, 5235.

¹¹ Judgement, paras. 5293-5297.

¹² Judgment, para. 5297.

¹³ Judgment, paras. 2328, 2448, 2512, 2513, 2632, 2676, 2684, 2686.

19. The Trial Chamber fell into discernible error by failing to properly consider these issues and their wider impact on the Appellant’s trial.

20. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,¹⁴ paragraphs from the Judgment¹⁵ and Decisions¹⁶ linked to this ground.

IV. GROUND TWO: THE PROCEDURAL ERRORS MADE BY THE TRIAL CHAMBER INFECTED THE TRIAL PROCEEDINGS AND THE JUDGEMENT, THEREBY PREJUDICING THE APPELLANT.

(A) THE TRIAL CHAMBER’S USE OF ADJUDICATED FACTS RESULTED IN AN ERROR OF LAW AND FACT.

21. The Trial Chamber erred by relying solely on Adjudicated Facts in its analysis and conclusions¹⁷. This reliance infected the basis of the Appellant’s convictions and his criminal liability, as well as the imposition of a life sentence.

22. The Trial Chamber erroneously relied on the “*partial consistency*” of the evidence with Adjudicated Facts.¹⁸ This introduced a new legal standard and widened the scope for the admission of extraneous sources to cross-contaminate the case. Further, it failed to provide reasons to demonstrate that the evidence adduced to contradict an Adjudicated Fact was “*insufficiently reliable*” so as to rebut it.¹⁹ This failure deprives the Defence of the opportunity to assess whether the Trial Chamber’s conclusion on each piece of evidence was

¹⁴ T.1-44905

¹⁵ Judgment, paras. 376, 512-519, 587, 601, 602, 751, 752, 757, 765, 766, 768-770, 773, 801, 812, 821-832, 921, 922, 928, 1167, 1332, 1336, 1337, 1340, 1342, 1343, 1361, 1366, 1375, 1385, 1587, 1735-1738, 1766, 1773, 1802, 1848, 2328, 2448, 2512, 2513, 2632, 2676, 2684, 2686, 2447, 2726, 2727, 2732, 2776, 2781, 2783-2791, 2886, 2894, 2889, 2900-2902, 2904, 2905, 2920, 3041, 3052-3054, 3059-3065, 3071, 3179-3183, 3231, 3240, 3270, 3272, 3275, 3278, 3232, 3287, 3291-3294, 3315, 3325, 3340, 3344, 3386, 3819-3828, 3829-3920, 3963-4093, 4216-4240, 5186, 5214-5216, 5235.

¹⁶ See, Annexes B, I.

¹⁷ Judgment, paras. 1851-1863, 1925, 1927, 1930, 1940, 1943, 1953, 1959, 1969, 1981-1988, 1991-1998, 2001-2003, 2007, 2009, 2012-2013, 2035-2041, 2042-2050, 2051-2057, 2058-2097, 2098-2106, 2107-2114, 2115-2119, 2120-2151, 2153-2213.

¹⁸ Judgment, paras. 93,97, 103, 108, 237, 238, 239, 271, 279, 281-285, 291-294, 299, 301, 347, 349, 447- 449, 503- 504, 521, 529, 532, 551, 559, 577, 582, 588, 590, 592, 1759, 1763, 1768, 1771, 1772, 1774-1777, 1781, 1809, 1814, 1817, 1819, 1823-1825, 1831, 2115, 2042, 5262, 5271-5277, 5310, 5317.

¹⁹ Judgement, para. 5277.

one that a reasonable trier of fact could have come to in context.²⁰ It is noteworthy that a significant number of these relate to the military status of the alleged victims.

23. Moreover, the reliance on Adjudicated Facts from previous cases that the individual Judges in the Trial Chamber had presided over were not specifically identified, despite being extensively relied upon. The fact that the judgements from which the Adjudicated Facts were taken made specific references to the Appellant's role and guilt, stands at odds with the right to a fair trial, established a conflict of interests and demonstrates a highly prejudicial approach that undermines the Appellant's due process rights. It creates an untenable perception of bias.

24. The Trial Chamber also repeatedly failed to state in the Judgement which Adjudicated Facts it was taking judicial notice of and/or which it relied upon when making findings of fact²¹. This failure deprives the Defence of the opportunity to assess whether the Trial Chamber's reliance was proper and/or a decision that a reasonable trier of fact would have taken in the circumstances.

25. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,²² paragraphs from the Judgment²³ and the Decisions²⁴ linked to this ground.

²⁰ Judgment paras. 969, 1064, 1076, 1086, 1092, 1101, 1113, 1124, 1149, 1159, 1515, 1589, 1604, 1611, 1739, 1767, 1771, 1919-1922, 1925, 1926-1930, 1933-1937, 1942, 1950-1952, 1954-1959, 1960-1974, 2007-2010, 2035-2151, 2153-2213.

²¹ Judgment paras. 1915, 1923, 1931, 1938, 1944, 1954, 1957-1958, 1960, 1963, 1965, 1970, 2035, 2042, 2051, 2057, 2058, 2088-2095, 2098, 2107, 2115, 2120, 2144, 2145, 2146-2148, 2084, 1892, 2184, 2176, 2105, 2049, 2053, 2178, 2194, 2198, 2202, 2209, 2213-2215.

²² T.1-44905.

²³ Judgment, paras. 17, 18, 20, 21, 22, 33, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 51, 52, 54, 55, 56, 57, 58, 60, 65, 68, 69, 71, 72, 73, 75, 76, 77, 78, 80, 81, 82, 83, 84, 91, 93, 94, 97, 103, 108, 110, 165, 173, 187, 188, 189, 190, 191, 193, 197, 221, 222, 223, 225, 227, 228, 229, 234, 237, 238, 246, 277, 279, 281, 282, 283, 285, 287, 288, 290, 298, 299, 301, 302, 304, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 327, 331, 332, 333, 347, 349, 350, 351, 353, 354, 360, 361, 362, 373, 374, 378, 380, 383, 386, 390, 391, 394, 396, 431, 433, 434, 437, 440, 442, 443, 447, 448, 449, 459, 460, 473, 474, 479, 480, 481, 484, 488, 489, 494, 503, 504, 520, 521, 525, 529, 532, 551, 559, 569, 570, 575, 577, 581, 582, 586, 588, 590, 592, 605, 603, 605, 608, 609, 610, 613, 614, 618, 619, 624, 633, 634, 635, 636, 637, 641, 642, 644, 645, 646, 647, 649, 651, 657, 658, 659, 661, 669, 672, 675, 676, 677, 678, 679, 682, 686, 687, 688, 692, 693, 697, 709, 710, 713, 715, 727, 728, 729, 739, 740, 750, 751, 752, 755-757, 760, 761, 763, 764, 767, 771, 772, 776, 777, 785, 786, 787, 790, 792, 793, 795, 796, 800, 801, 803, 810, 821, 822, 823, 825, 827, 829, 830, 833, 837, 840, 841, 842, 843, 854-859, 862, 863, 864, 865, 868, 870, 871, 872, 873, 874, 875, 876, 881, 887, 888, 892, 895, 905, 906, 910, 915, 920, 921, 922, 931, 947, 948, 951, 953, 954, 955, 956, 961, 962, 963, 969, 970, 971, 973, 976, 977, 986, 987, 988, 989, 1017, 1018, 1025, 1026, 1027, 1028, 1029, 1030, 1033, 1035, 1036, 1042, 1043, 1044, 1050, 1051, 1054, 1064, 1065, 1069, 1070, 1071, 1073, 1076, 1077, 1078, 1080, 1089, 1090, 1092, 1093, 1095, 1100, 1101, 1102, 1105, 1113, 1114, 1116, 1117, 1124, 1125, 1126, 1127, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1149, 1150, 1151, 1152, 1153, 1154, 1156, 1159, 1160, 1161, 1165, 1173, 1176, 1182, 1183, 1184, 1185, 1190, 1191, 1192, 1196, 1197, 1199, 1200, 1201, 1204, 1205, 1206, 1208, 1210, 1213, 1214, 1224, 1227, 1228, 1229, 1230, 1233, 1238, 1239, 1241,

(B) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FAILING TO APPLY THE PROPER LEGAL STANDARDS.

26. The Trial Chamber violated its own statement on the burden and standard of proof. It confirmed that the Prosecution bears this burden, that each and every element material to the alleged crime and charge must be proven beyond reasonable doubt, and that the accused must be acquitted if there is any other reasonable explanation of the evidence other than the guilt of the accused.²⁵ The Trial Chamber fell into discernible error by reducing this standard of “reasonableness” to “*very likely*” in practice. It failed to uphold the principle of *in dubio pro reo* in its analysis of the evidence.²⁶ As part of this the Trial Chamber failed to consider exculpatory evidence that contradicted the Prosecution's evidence, erroneously giving less or no weight to evidence inconsistent with the Adjudicated Facts. This error invalidates the Judgment.²⁷

1247, 1250, 1251, 1252, 1253, 1254, 1255, 1259, 1260, 1262, 1263, 1264, 1265, 1271, 1273, 1275, 1278, 1302, 1303, 1305, 1308, 1313, 1318, 1319, 1327, 1328, 1330, 1331, 1332, 1337, 1339, 1340, 1341, 1343, 1344, 1345, 1349, 1352, 1353, 1354, 1355, 1363, 1367, 1373, 1375, 1376, 1378, 1384, 1385, 1387, 1388, 1391, 1407, 1411, 1412, 1413, 1414, 1416, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1431, 1432, 1433, 1434, 1435, 1436, 1439, 1440, 1442, 1445, 1446, 1448, 1452, 1453, 1477, 1478, 1484, 1485, 1486, 1487, 1488, 1515, 1518, 1528, 1553, 1556, 1557, 1559, 1589, 1591, 1592, 1593, 1599, 1602, 1604, 1607, 1611, 1612, 1615, 1617, 1618, 1621, 1623, 1627, 1628, 1635, 1639, 1645, 1646, 1650, 1655, 1662, 1664, 1668, 1674, 1681, 1682, 1683, 1684, 1689, 1690, 1691, 1694, 1695, 1699, 1701, 1703, 1704, 1709, 1712, 1716, 1720, 1739, 1741, 1744, 1745, 1752, 1753, 1758, 1759, 1760, 1762, 1763, 1768, 1771, 1772, 1774, 1775, 1776, 1777, 1778, 1781, 1782, 1787, 1788, 1789, 1790, 1791, 1792, 1795, 1803, 1809, 1812, 1813, 1814, 1815, 1816, 1817, 1819, 1823, 1824, 1825, 1831, 1832, 1850, 1851, 1853, 1854, 1855, 1860, 1861, 1862, 1863, 1865, 1880, 1892, 1899, 1900, 1906, 1912, 1915, 1916, 1919, 1920, 1922, 1923, 1924, 1926, 1927, 1929, 1931, 1932, 1933, 1934, 1935, 1938, 1939, 1940, 1942, 1943, 1944, 1945, 1949, 1950, 1951, 1952, 1954, 1955, 1957, 1958, 1960, 1961, 1963, 1965, 1966, 1968, 1971, 1973, 1979, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1993, 1994, 1995, 1997, 1999, 2001, 2002, 2007, 2008, 2009, 2010, 2012, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043, 2046, 2047, 2048, 2049, 2051, 2052, 2054, 2055, 2056, 2058, 2061, 2062, 2063, 2071, 2084, 2085, 2086, 2095, 2096, 2098, 2099, 2101, 2102, 2103, 2105, 2107, 2108, 2111, 2115, 2116, 2118, 2120, 2122, 2144, 2145, 2146, 2147, 2148, 2149, 2156, 2176, 2177, 2179, 2182, 2178, 2182, 2184, 2185, 2186, 2187, 2188, 2191, 2194, 2195, 2198, 2199, 2201, 2202, 2207, 2209, 2210, 2213, 2216, 2217, 2319, 2320, 2321, 2322, 2324, 2329, 2330, 2331, 2334, 2337, 2340, 2343, 2344, 2348, 2349, 2353, 2356, 2388, 2389, 2390, 2391, 2393, 2395, 2408, 2409, 2410, 2411, 2413, 2415, 2416, 2421, 2432, 2479, 2484, 2485, 2494, 2497, 2498, 2509, 2513, 2515, 2521, 2525, 2526, 2533, 2535, 2536, 2538, 2555, 2556, 2572, 2573, 2575, 2576, 2579, 2583, 2588, 2589, 2590, 2601, 2608, 2615, 2619, 2621, 2624, 2625, 2627, 2636, 2637, 2638, 2640, 2662, 2668, 2676, 2677, 2682, 2684, 2685, 2687, 2724, 2733, 2767, 2768, 2777, 2778, 2782, 2965, 2989, 2690, 2692, 2695, 2698, 2700, 2702, 2703, 2706, 2707, 2709, 2710, 2712, 2713, 2715, 2716, 2725, 2732, 2733, 2734, 2745, 2761, 2768, 2778, 2782, 2786, 2791, 2792, 2811, 2813, 2827, 2829, 2831, 2832, 2833, 2839, 2841, 2843, 2845, 2850, 2856, 2858, 2860, 2862, 2883, 2884, 2895, 2898, 2899, 2900, 2901, 2904, 2909, 2911, 2916, 2918, 2936, 2963, 2990, 2991, 3007, 3018, 3019, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3041, 3042, 3043, 3442, 3529, 3530, 3531, 3532, 3533, 3534, 3551, 5214-5216, 5258, 5262, 5271-5277, 5302, 5310, 5315-5317.

²⁴ See, Annex C.

²⁵ Judgment, para. 5312.

²⁶ Judgment, para. 5250.

²⁷ Judgment, see for example paras.104-107, 147-186, 165-186, 210-213, 238, 239, 252,265, 271, 281, 291-294, 296, 298-299, 301, 304, 347, 454, 503-519, 1787-1796.

27. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,²⁸ paragraphs from the Judgment²⁹ and Decisions³⁰ linked to this ground.

(C) THE TRIAL CHAMBER ERRED IN LAW AND FACT BY FAILING TO PROVIDE SPECIFIC REASONS FOR THE CONCLUSIONS MADE IN THE JUDGEMENT ESPECIALLY FAILING TO ADDRESS EXCULPATORY EVIDENCE.

28. The Appellant has the right to a reasoned opinion under Article 23 of the Statute and Rule 98ter(C) of the Rules. The Trial Chamber mis-stated that it reviewed all the evidence in the case and examined each piece individually.³¹

29. The Trial Chamber failed to assess the totality of evidence or mention relevant exculpatory and Defence evidence and/or submissions which were relevant to the decision making process. These were relevant factors that it should have addressed. As such, the Trial Chamber failed to provide a “reasoned opinion” on matters.³² This led the Trial Chamber into

²⁸ T.1-44905.

²⁹ Judgment, paras. 104-107, 147-186, 165-186, 210-213, 238, 239, 252, 265, 271, 281, 291-294, 296, 298-299, 301, 304, 347, 349-382, 385, 386, 389, 391-393, 395, 397-405, 407-433, 436, 437, 440-447, 450-456, 469-472, 475-477, 479-481, 484, 486, 489, 494-500, 512, 516, 528, 529, 530, 536, 539, 546, 559-602, 770-774, 778-780, 784-786, 788-799, 801-834, 840-849, 851, 854-859, 862-885, 890, 892, 897-902, 906-908, 911, 912, 915-917, 921, 922, 924, 927, 928, 932-934, 939-943, 945, 946, 948-955, 957-960, 1017, 1019, 1024-1031, 1033-1038, 1040, 1043-1047, 1049, 1051-1062, 1064-1072, 1077-1087, 1089, 1091, 1092, 1095, 1097, 1098-1124, 1127-1130, 1132-1144, 1150, 1153-1157, 1160-1162, 1164-1170, 1172-1175, 1177, 1182, 1185, 1187, 1189-1191, 1194-1197, 1199, 1201-1209, 1211-1232, 1234-1236, 1238, 1241, 1242, 1247-1257, 1260-1262, 1265-1269, 1273-1275, 1277-1279, 1281, 1285-1288, 1290-1295, 1301-1306, 1308-1310, 1313-1318, 1320-1325, 1327-1329, 1331-1347, 1349-1351, 1353-1357, 1359-1367, 1369-1372, 1374-1381, 1383-1394, 1396-1408, 1411-1420, 1422-1427, 1433, 1434, 1435-1449, 1461, 1515, 1519, 1521, 1523, 1566, 1584, 1651, 1655, 1682, 1712, 1753, 1765, 1770, 1775, 1776, 1787-1796, 1802, 1806-1808, 1812, 1836, 1841-1849, 1855-1881, 1888-1891, 1915-2013, 2016-2023, 2035-2151, 2054-2056, 2058, 2067, 2084-2095, 2105, 2110-2111, 2115, 2118, 2120, 2122, 2144-2149, 2153-2155, 2173-2177, 2187-2189, 2192-2197, 2343-2345, 2366-2367, 2391, 2382-2387, 2391, 2437, 2438, 2530, 2660, 2731, 2739, 2747-2766, 2777-2779, 2783-2792, 2794-2811, 2813-2857, 2864-2876, 2886-2888, 2893, 2894, 2899, 2900-2902, 2909, 2912, 2915, 2917, 2920, 2989-3007, 3034, 3035, 3036-3038, 3040, 3051-3055, 3056-3057, 3060-3065, 3071-3078, 3084, 3090-3092, 3094, 3095, 3111, 3112, 3116, 3117, 3122, 3124, 3125, 3142, 3146, 3147, 3150, 3164-3167, 3170, 3278, 3180, 3183, 3190, 3267-3272, 3277, 3284, 3285, 3287, 3315, 3324, 3225, 3275, 3278, 3285, 3286, 3290-3294, 3300, 3301, 3308, 3315, 3324, 3325, 3340-3342, 3349, 3355, 3357-3360, 3362, 3365-3367, 3369, 3371, 3372, 3374, 3377, 3379, 3380, 3388, 3391, 3392, 3395-3401, 3403-3411, 3414-3422, 3424-3428, 3430, 3431, 3446, 3451, 3470-3473, 3480-3496, 3510, 3511, 3520-3526, 3528, 3534, 3654, 3667, 3668, 3720, 3738, 3788, 3790, 3793, 3794, 3815, 3818, 3819, 3820-3822, 3824, 3826, 3841, 3842, 3855, 3873, 3875, 3876, 3879, 3889, 3894, 3915, 3919, 3923, 3932, 3969, 3976, 3980-3983, 3993-3999, 4001, 4002, 4005, 4006, 4008, 4009, 4013, 4018, 4032-4042, 4046, 4063, 4123, 4127, 4128, , 4107, 4144-4146, 4149-4152, 4195, 4196, 4212-4214, 4020-4025, 4212-4214, 4922-4925, 4928-4941, 4951-4954, 4953, 4954, 4957, 4959-4964, 4970-4989, 4992, 5004, 5011, 5017, 5018, 5055-5065, 5086-5095, 5127-5131, 5214-5216, 5255, 5278-5289, 5290-5299, 5302, 5303, 5309, 5313, 5309.

³⁰ See, Annex D.

³¹ Judgement, para. 5311.

³² Judgement, See, for example, paras. 93-97, 104-107, 108, 147-152, 165-186, 210-213, 246-265, 277, 281-285, 291-294, 298-299, 301, 347, 349, 503-519, 1758-1849.

error. It failed to articulate evidence in support of the Defence case and gave undue weight to the Prosecution's evidence. For example, it failed to provide reasoned opinions on material facts relevant to the elements of the crimes for which the Appellant was convicted.³³ One such example is the convictions for genocide and extermination in Srebrenica where the Trial Chamber failed to give reasoned opinions on the conclusions made about the status of the alleged victims of crimes, and the evidential basis for this, as opposed to those in legitimate combat.³⁴

30. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,³⁵ paragraphs from the Judgment³⁶ linked to this ground.

(D) THE TRIAL CHAMBER ERRED IN LAW AND FACT BY RELYING ON EVIDENCE THAT THE DEFENCE WERE UNABLE TO TEST THROUGH CROSS-EXAMINATION AND/OR CONFRONTATION.

31. The Trial Chamber relied on 92*bis* and 92*quater* evidence as well as on documents tendered through the bar table in the Judgment.³⁷ These witnesses/documents could not be scrutinised by the Defence and their evidence went untested. In numerous instances, the Trial Chamber relied on evidence from such witnesses/documents where it was the sole or

³³ Judgement, See, for example paras. 153-186, 210-220, 238, 239, 265, 271, 281-285, 291-294, 347, 447-449, 503-519, 1758-1849.

³⁴ Judgement, paras. 5299-5301.

³⁵ T.1-44905.

³⁶ Judgment, paras. 98 (marked "1"), 93-97, 104-107, 108, 147-186, 165-186, 210-220, 238, 239, 246-265, 271, 277, 281-285, 291-294, 296, 298-299, 301, 304, 347, 349, 352, 353, 374, 375, 451, 452, 454, 472, 477, 495-500, 503-519, 521, 522, 525, 526, 529, 535, 532, 546, 547, 551, 552, 555, 559-602, 771-774, 785, 786, 788, 789, 790-799, 801-834, 840-849, 851, 854-859, 862-885, 890, 892, 894, 897, 898, 900-902, 906-908, 912, 915-917, 921, 922, 924, 927, 928, 932-934, 939, 940, 945, 946, 948-955, 1019, 1024, 1025, 1026, 1029-1031, 1034-1038, 1040, 1043-1047, 1049, 1051-1055, 1057-1062, 1065-1073, 1077-1087, 1089, 1091, 1092, 1095, 1097, 1098-1124, 1127-1130, 1132-1144, 1150, 1151, 1153-1157, 1160-1162, 1164-1170, 1172-1175, 1177, 1182, 1112, 1113, 1231, 1263, 1264, 1268, 1269, 1320, 1322-1325, 1330, 1369, 1370, 1375-1381, 1383-1394, 1396-1408, 1411-1420, 1422-1427, 1433-1449, 1758-2215, 2328, 2332, 2333, 2339, 2340, 2343-2345, 2366, 2391, 2396, 2397, 2437, 2438, 2475, 2476, 2480, 2555-2559, 2574, 2660, 2684, 2685-2707, 2709-2723, 2747-2766, 2794-2811, 2892, 3019, 3036, 3051-3055, 3060-3062, 3064, 3065, 3071-3078, 3084, 3090-3092, 3095, 3111, 3112, 3116, 3117, 3122, 3124, 3125, 3142, 3145-3147, 3150, 3164, 3165, 3166, 3167, 3170, 3180, 3183, 3184, 3218, 3267-3272, 3275, 3277, 3278, 3284-3287, 3290-3294, 3299-3301, 3308, 3313-3315, 3317, 3324, 3329, 3325, 3335, 3340-3342, 3344, 3349, 3355, 3357-3360, 3362, 3365-3367, 3369, 3371, 3372, 3374, 3377, 3379, 3380, 3388, 3391, 3392, 3395-3401, 3403-3422, 3424-3429, 3430, 3431, 3446, 3451, 3470-3473, 3480-3496, 3510, 3511, 3520-3526, 3528, 3534, 3535, 3790, 3815, 3818, 3819-3826, 3873, 3841-3843, 3864-3866, 3873, 3884, 3885, 3901, 3902, 3915, 3932, 3934, 3940, 3964, 3969, 3970, 3978-3984, 3988, 4018, 4119, 4032-4044, 4046, 4048, 4052, 4053, 4055-4059, 4062-4067, 4071, 4072, 4074-4082, 4086-4093, 4089-4093, 4116, 4018, 4119, 4124, 4149-4152, 4158, 4160-4165, 4195, 4196, 4224, 4225, 4227-4229, 4535, 4922-4927, 4952, 5214-5216, 5311.

³⁷ Judgment, paras. 5252, 5258.

decisive evidence against the Appellant. It failed to properly balance the rights of the Appellant and the factors for admitting the evidence as set out in the Rules of Procedure and Evidence. Flowing from this, the reliance on the evidence in the Judgement resulted in a discernible error. The Appellant was deprived of the opportunity to test the evidence that the Trial Chamber placed significant weight on.

32. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,³⁸ paragraphs from the Judgment³⁹ and Decisions⁴⁰ linked to this ground.

V. GROUND THREE: THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FINDING THAT AN OVERARCHING JCE EXISTED AND THAT THE APPELLANT PARTICIPATED IN IT.

(A) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT AND ABUSED ITS DISCRETION BY FINDING THE EXISTENCE OF AN OVERARCHING JCE.

33. The Trial Chamber erred in law and fact when concluding that a joint criminal enterprise to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian-

³⁸ T.1-44905.

³⁹ Judgment, paras. 108, 246, 314, 349, 350, 353, 359, 360, 368, 388, 389, 509, 520, 529, 535, 547, 550, 553, 581, 608, 610, 616, 618, 619, 622, 625, 633, 639, 642, 643, 644, 649, 692, 705, 709, 710, 713, 715, 716, 722, 723, 727, 729, 739, 750, 751, 760, 761, 764, 776, 777, 782, 784, 792-794, 802, 811, 812, 818, 819, 835, 840, 843, 854, 856, 862, 898, 938, 961-963, 966, 970-972, 974, 976, 986-989, 1045, 1046, 1057, 1059, 1066, 1067, 1068, 1070, 1077, 1079, 1080, 1093, 1094, 1096, 1128, 1129, 1134, 1135, 1136, 1137, 1138, 1139, 1141, 1154, 1163, 1186, 1187, 1193, 1195, 1196, 1198, 1202, 1203, 1205, 1206, 1214, 1215, 1216, 1217, 1218, 1219, 1221, 1222, 1223, 1224, 1228, 1247, 1248, 1251, 1252, 1254, 1255, 1257, 1258, 1261, 1262, 1280, 1282, 1283, 1284, 1311, 1312, 1333, 1334, 1338, 1339, 1347, 1358, 1386, 1393, 1434, 1436, 1437, 1439, 1440, 1442, 1444, 1445, 1447, 1456-1459, 1462, 1469, 1470, 1471, 1477-1478, 1489, 1490, 1495, 1497-1498, 1503-1507, 1508, 1510, 1513, 1514-1519, 1521-1524, 1526-1536, 1553, 1557-1559, 1542-1542, 1548-1551, 1553-1558, 1561, 1566, 1567, 1568, 1571, 1574-1577, 1580-1590, 1594, 1604-1605, 1607, 1611-1612, 1617-1618, 1625, 1639 -1642, 1646, 1650-1652, 1654, 1656, 1674-1675, 1677, 1681-1684, 1689-1691, 1693-1696, 1703-1705, 1707, 1710, 1712-1713, 1715-1718-1719, 1739, 1741, 1744, 1745, 1749, 1750, 1752, 1753, 1756, 1780, 1783, 1838, 1840, 1845, 1851, 2032, 2216, 2224-2229, 2231-2236, 2238-2244, 2247, 2250, 2251, 2254-2256, 2260-2270, 2284-2287, 2304-2314, 2390, 2397, 2407, 2411, 2412, 2413, 2392, 2422, 2424-2426, 2429, 2430, 2432, 2460, 2479, 2490, 2512, 2520, 2521, 2538, 2539, 2616, 2525, 2572, 2575, 2577, 2583-2585, 2587, 2632, 2636, 2662, 2676-2679, 2685-2687, 2690, 2696, 2711, 2715, 2716, 2733, 2735, 2737, 2740-2746, 2767, 2769, 2771-2773, 2774, 2777-2779, 2792, 2806, 2808-2810, 2812-2820, 2853, 2855, 2864, 2867-2869, 2871, 2876, 2883, 2884, 2891, 2895, 2900-2902, 2911, 2914, 2998, 3041, 3051, 3122, 3132, 3151, 3162, 3173, 3287, 3294, 3300, 3315, 3325, 3338, 3351, 3360, 3381, 3388, 3393, 3397, 3403, 3406, 3410, 3605, 3663, 3711, 3720, 3814, 3819, 3826, 3858, 3871, 3919, 3938, 3947, 3961, 3977, 4007, 4026, 4062, 4074, 4077, 4082, 4160, 4206, 4225-4227, 4230, 4336-4337, 4346, 4350-4351, 4548, 4763, 4992, 5214-5216, 5252, 5256, 5258, 5260, 5263.

⁴⁰ See, Annex E (1,2,3).

Serb claimed territory through the commission of the crimes of deportation, inhumane acts, murder, extermination, and persecution, existed.⁴¹

34. The fundamental requirement for a finding of joint criminal enterprise is the existence of a common criminal purpose or plan, and that an individual's conduct amounted to a significant contribution. The Trial Chamber erred in law and in fact when it failed to establish, beyond a reasonable doubt that there was a common plan to permanently remove Bosnian-Muslims and Bosnian-Croats from Bosnian-Serb claimed territory. The Trial Chamber erred by failing to take proper account of evidence and arguments presented by the Defence that countered their conclusion, thereby relying on an insufficient evidence base or improperly on Adjudicated Facts, drawing unsubstantiated conclusions and failing to apply the proper legal standards.⁴²

35. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages⁴³, paragraphs from the Judgment⁴⁴ linked to this ground.

(B) THE TRIAL CHAMBER ERRED IN LAW AND FACT AND ABUSED ITS DISCRETION BY FINDING THAT THE APPELLANT WAS A MEMBER OF THE OVERARCHING JCE AND/OR THAT HE MADE A SIGNIFICANT CONTRIBUTION TO IT.

36. The Trial Chamber fell into discernible error by concluding that the Appellant had the intent, and shared the intent to achieve the common objective of the overarching joint criminal enterprise through the commission of the alleged crimes, from 12 May 1992 to 30 November 1995.⁴⁵ The Trial Chamber erred by failing to take proper account of evidence and arguments presented by the Defence, relying on an insufficient evidence base or improperly on Adjudicated Facts, drawing unsubstantiated conclusions and failing to apply the proper legal standards when concluding that this was the only reasonable inference that could be drawn.

⁴¹ Judgment, paras. 4610-4688, 4614, 4643, 5352.

⁴² Judgment, paras. 3578-4688.

⁴³ T.1-44905.

⁴⁴ Judgment, paras. 4610-4688, 4614, 4643, 5214-5216, 5352.

⁴⁵ Judgment, paras. 3578-4688.

37. With regards to the Municipality crime base segment, the Trial Chamber fell into discernible errors in law and fact by:

- failing to give sufficient weight to relevant considerations and/or to address reasonable inferences upon evidence other than findings and conclusions establishing the guilt of the Appellant;
- failing to analyse the totality of evidence and ignoring arguments advanced by the Defence;
- relying on insufficient evidence or improperly on Adjudicated Facts;
- failing to correctly apply applicable legal standards as to own legal and factual analysis;
- drawing erroneous inferences by repeating legal and factual errors as identified elsewhere in this Notice.

38. On this basis, the Appellant, through Defence Counsel seeks review of the following municipalities: **Banja Luka;**⁴⁶ **Bijeljina;**⁴⁷ **Foča;**⁴⁸ **Ilidža;**⁴⁹ **Kalinovik;**⁵⁰ **Ključ;**⁵¹ **Kotor**

⁴⁶Judgment, paras. 349-502, 529, 597, 598, 814, 3033-3035, 3051, 3068, 3069, 3087, 3088, 3095, 3906, 3112, 3116, 3117, 3122, 3124, 3125, 3142, 3160, 3163, 3170, 3179, 3183, 3218, 3227-3229, 3230-3232, 3267, 3268, 3274, 3275, 3278, 3286, 3287, 3299, 3300, 3306, 3312-3314, 3317, 3324, 3325, 3329, 3335, 3341, 3342, 3344, 3358-3360, 3364-3369, 3371, 3372, 3379, 3419, 3424-3432, 3438-3445, 3720, 3730, 3788, 3819, 3823, 3829-3834, 3845, 3853, 3912-3916, 3919, 3924, 3964, 3976, 3977, 3979-4019, 4116-4128, 4202, 4224, 4225, 4227-4229, 4248, 4404, 5214-5216.

⁴⁷Judgment, paras. 2, 25, 96, 165, 167, 172, 244, 245, 283, 294, 322, 329, 335, 337, 339, 347, 396, 503-602, 729, 1584, 1736, 1752, 1753, 1756, 1786, 1826, 1836, 1840, 2256, 2264, 2266, 2296, 2305, 2306, 2530, 2543, 2739, 2741, 2929, 3019, 3041, 3051-3065, 3096, 3122, 3127, 3137, 3138, 3140, 3141, 3154, 3181, 3275, 3278, 3286, 3287, 3290, 3315, 3325, 3344, 3360, 3388, 3390, 3397, 3403, 3578, 3580, 3654, 3695, 3732, 3750, 3819, 3830, 3833, 3838, 3870, 3874, 3875-3879, 3919, 3948, 3965, 3981, 3986, 4020-4025, 4107, 4111, 4129-4134, 4192, 4195, 4225, 4227, 4276, 4398, 4403, 4424, 4511, 4516, 4959, 4963, 5009, 5084, 5097, 5214-5216.

⁴⁸ Judgment, paras. 2, 3, 25, 173, 174, 175, 176, 177, 178, 181, 182, 183, 184, 185, 283, 294, 528, 603-725, 750, 751, 752, 764, 765, 769, 773, 774, 782, 784, 791, 793, 2345, 3019, 3051, 3065, 3096, 3122, 3138, 3143, 3145, 3167, 3168, 3169, 3181, 3275, 3278, 3286, 3287, 3290, 3291, 3318, 3325, 3344, 3345, 3346, 3360, 3364, 3369, 3379, 3388, 3406, 3419, 3424, 3425, 3427, 3430, 3438, 3446, 3447, 3448, 3451, 3458, 3459, (3460), 3461, 3462, 3463, 3464, 3503, 3509, 3514, 3515, 3526, 3531, 3535, 3733, 3740, 3819, 3830, 3858, 3887, 3888, 3889, 3890, 3892, 3894, 3896, 3897, 3955, 3959, (3966), 3983, 3986, 4026, 4028, 4030, 4206, 4225, 4227, 4229, 4231, 4253, 4337, 4350, 4351, 4388, 4395, 4402, 4506, 4511, 4546, 4634, 4639, 4640, 4641, 4642, 5214-5216.

⁴⁹ Judgment, paras. 223, 238, 332, 343, 547, 727-749, 927, 965, 966, 1015, 1860, 1871, 1894, 1901, 2219, 2254, 2255, 2257, 2316, 3122, 3144, 3171, 3287, 3294, 3319, 3325, 3360, 3364, 3376, 3734, 3786, 3804, 3819, 3826, 3844, 3856, 3859, 3919, 3921, 3949, 3050, 3054, 3980, 4199, 4211, 4227, 4231, 4256, 4289, 4516, 4548, 4581, 4694, 4715-4719, 4742, 4749, 4770, 4841, 4843, 4844, 4846, 4857, 4860, 4868, 5137, 5148, 5214-5216.

Varoš;⁵² **Novi Grad;**⁵³ **Pale;**⁵⁴ **Prijedor;**⁵⁵ **Rogatica;**⁵⁶ **Sanski Most;**⁵⁷ **Sokolac;**⁵⁸ **Vlasenica**⁵⁹.

⁵⁰ Judgment, paras. 173-174, 180-181, 183- 184, 272, 649, 679, 715, 722- 723, 750-752, 754-756, 780-784, 790-799, 3021- 3048, 3227- 3431, 3066- 3116, 3049- 3065, 3117- 3186, 3008-3020, 3049- 3065, 3580, 3605, 3808, 3809, 3819, 3886, 3889, 3890, 3891, 3894, 3895, 3897, 3967, 4225, 4227, 4229, 4253, 4294, 4305, 4330, 4402, 4816, 5214-5216.

⁵¹ Judgment, paras. 68, 134, 153, 155-158, 160, 164, 300, 361-364, 368-370, 374-375, 378, 380, 384, 387, 390-391, 400-401, 403, 409-410, 412, 420, 443, 454, 468, 476, 479, 482-483, 529, 800-851, 854-859, 862-886, 1182, 1595, 1605, 1642, 1647, 1649, 1693, 3021-3048, 3227-3431, 3066-3116, 3049-3065, 3117-3186, 3008-3020, 3049-3065, 3438, 3446-3447, 3450, 3458, 3465-3469, 3503-3504, 3508, 3819, 3823, 3845, 3858, 3919, 3922, 3934, 3941-3942, 3964, 3968, 3981-3982, 3989, 3993, 4010, 4122, 4125, 4135-4143, 4181, 4195, 4208, 4224-4225, 4227, 4229, 4236, 4415, 4441, 4634, 5214-5216.

⁵² Judgment, paras. 887-960, 3051-3053, 3065, 3068, 3072, 3094, 3096, 3111, 3116, 3117, 3122, 3125, 3147, 3166, 3180, 3183, 3267-3270, 3272, 3277, 3284-3287, 3295, 3299, 3312, 3315, 3324, 3325, 3340-3342, 3355, 3359, 3388, 3395, 3401, 3403-3419, 3424, 3428, 3430-3432, 3438, 3446-3448, 3458, 3470, 3473, 3503, 3510, 3511, 3512, 3532, 3535, 3536, 3819, 3826, 3873, 3932, 3969, 3980-3983, 3986, 4031-4042, 4144-4149, 4150-4152, 4195, 4196, 5214-5216.

⁵³ Judgment, paras. 728, 778, 961-990, 1851, 1939, 2116-2117, 2202, 3021-3048, 3227-3431, 3066-3116, 3049-3065, 3117-3186, 3008-3020, 3049-3065, 3315, 3406, 3853, 3858, 4225, 5214-5216.

⁵⁴ Judgment, paras. 2, 9, 44, 45, 52, 96, 115, 223, 225, 231, 320, 332, 336, 345, 596, 688, 727, 971, 991-1016, 1292, 1574, 1851, 1853, 1918, 2032, 2164, 2216, 2217, 2224-2253, 2261, 2267, 2269, 2284, 2288, 2296, 2299, 2301, 2302, 2303, 2307, 2310, 2311, 2314, 2315, 2316, 2346, 2401, 2425, 2484, 3488, 2573, 2587, 2696, 3037, 3122, 3149, 3166, 3218, 3320, 3592, 3600, 3615, 3662, 3663, 3712, 3725, 3735, 3737, 3807, 3809, 3819, 3838, 3844, 3862, 3947, 3954, 3955, 3956, 3961, 3984, 4048, 4049, 4227, 4245, 4273, 4285, 4446, 4474, 4557, 4589, 4621, 4626, 4649, 4706, 4760, 4763, 4764, 4769, 4775, 4786, 4845, 4854, 4858, 4873, 4875, 4884, 4885, 4928, 4942, 4956, 4983, 5029, 5046, 5136, 5137, 5139, 5214-5216.

⁵⁵ 1017-1450, 1712, 2028-2038, 3036-3038, 3051-3054, 3059, 3060, 3064-3066, 3068, 3069, 3073-3078, 3085-3087, 3092, 3095-3097, 3111, 3112, 3114-3117, 3122, 3124, 3125, 3150, 3165-3167, 3180, 3183, 3267-3275, 3278, 3279, 3285-3287, 3290-3294, 3299-3301, 3308, 3315, 3324, 3325, 3349, 3357-3360, 3362, 3365-3367, 3369, 3371, 3372, 3374, 3377, 3379, 3380, 3388, 3391, 3392, 3396-3401, 3403, 3405-3432, 3438-3447, 3451-3453, 3455-3457, 3480-3496, 3504, 3505, 3507-3509, 3520-3529, 3534-3536, 3790, 3815, 3818-3826, 3829, 3841, 3843, 3864-3866, 3884, 3885, 3901, 3902, 3934, 3940, 3964, 3970, 3978, 3980-3983, 3986, 4043-4068, 4071-4093, 4153-4172, 4195, 4196, 5214-5216, 5333, 5350.

⁵⁶ Judgment, paras. 2, 206, 207, 212, 219, 221, 239, 246, 282, 308, 309, 509, 512, 529, 546, 1451-1588, 1753, 1783, 2287, 2289, 2484, 3051, 3122, 3132, 3151, 3162, 3173, 3287, 3294, 3300, 3315, 3325, (3338), (3351), 3360, 3381, 3388, 3393, 3397, 3403, 3406, 3410, 3605, 3814, 3819, 3826, 3858, 3868, 3871, 3919, 3922, 3947, 3954, 3955, 3960, 4225, 4227, 4230, 4336, 4337, 4346, 4350, 4351, 4524, 4548, 4585, 4594, 5214-5216.

⁵⁷ Judgment, paras. 136-138, 146, 300, 326, 1589-1738, 3021-3048, 3227-3431, 3066-3116, 3049-3065, 3117-3186, 3008-3020, 3049-3065, 3578-4070, 4094-4240, 4242-4688, 5214-5216.

⁵⁸ Judgment, paras. 2, 25, 231, 282, 314, 332, 520 529 581, 727, 739, 1015, 1553, 1561, 1565, 1567, 1574, 1581, 1739-1757, 2252, 2285, 2287, 24874, 3041, 3122, 3132, 3153, 3174, 3315, 3406, 3711, 3858, 3919, 3938, 3952, 3955, 3961, 3972, 3984, 4225, 4229, 4338 4367, 4412, 5196, 5214-5216.

⁵⁹ Judgment, paras. 51, 61, 95, 172, 187-189, 211, 212, 244, 245, 282, 283, 294, 298, 310, 513, 520, 529, 545, 552, 1574, 1758-1849, 2296, 2319, 2374, 2866, 3051-3064, 3065, 3083, 3111, 3116, 3122, 3125, 3134, 3158, 3271-3287, 3294, 3301, 3309, 3315, 3325, 3332, 3360, 3388, 3389, 3397, 3403, 3406, 3411, 3419, 3424, 3425, 3427, 3430, 3438, 3446, 3447, 3451, 3458, 3474-3479, 3509, 3516-3519, 3526, 3533, 3722, 3793, 3811, 3819, 3826, 3943, 3952, 3982, 3983, 3986, 4069, 4070, 4190-4199, 4205, 4210, 4212-4240, 4415, 4417, 5214-5216

VI. GROUND FOUR: THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FINDING THAT A JCE EXISTED IN SARAJEVO AND THAT THE APPELLANT PARTICIPATED IN IT.

(A) THE TRIAL CHAMBER ERRED IN LAW AND FACT WHEN IT RELIED ON INSUFFICIENT EVIDENTIARY BASIS, DREW UNWARRANTED INFERENCES THAT WERE UNSUPPORTED BY ITS OWN FINDINGS, AND FAILED TO GIVE SUFFICIENT WEIGHT TO RELEVANT CONSIDERATIONS, TO FIND THAT THE APPELLANT SHARED THE COMMON PURPOSE OF THE SARAJEVO JCE AND HAD THE INTENT TO SPREAD TERROR AMONG THE CIVILIAN POPULATION THROUGH A CAMPAIGN OF SNIPING AND SHELLING.

39. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages⁶⁰ and paragraphs from the Judgment⁶¹ linked to this ground.

(B) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT AND ABUSED ITS DISCRETION WHEN MAKING LEGAL FINDINGS OF MURDER AND UNLAWFUL ATTACKS AND CONCLUDING THE PRIMARY PURPOSE OF THE CAMPAIGN IN SARAJEVO WAS TO SPREAD TERROR AMONG THE CIVILIAN POPULATION.

40. The Trial Chamber made a discernible error in concluding that civilians in Sarajevo were the victims of indiscriminate or disproportionate attacks by shelling, undue reliance on the consequences of the fire and the intention of the reasonable military commander.⁶² The latter was not considered or given sufficient weight to in the context of the case against the Appellant.

41. The Trial Chamber erred in law and fact by failing to consider the context of ongoing conflict in Sarajevo and the legitimate military targets and objective of military activities in

⁶⁰ T.1-44905.

⁶¹ Judgment, paras. 221-276, 1850-2215, 4741-4921, 5214-5216.

⁶² Judgment, paras. 1850-1914, 1919-1925, 1938-1943, 2016-2023, 2035-2050, 2098-2114, 2115-2119, 2153-2213, 3056-3057, 3065, 3196-3206, 3209-3212.

the area. In doing so, the Trial Chamber failed to apply the applicable standard of law when determining the criminal responsibility of the SRK and the Appellant.⁶³

42. The Trial Chamber erred in law and fact by failing to consider all relevant evidence concerning *mens rea* and intent, when making legal findings on the crimes alleged.⁶⁴

43. The Trial Chamber erred in law and fact when it transposed its findings of one crime to substantiate the elements of other alleged crimes as regards to Sarajevo.⁶⁵

44. The Trial Chamber also erroneously made conclusions as to the responsibility of the SRK and the Appellant for the alleged crimes which were drawn from unsound factual findings.⁶⁶

45. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,⁶⁷ paragraphs from the Judgment,⁶⁸ linked to this ground.

(C) THE TRIAL CHAMBER ERRED IN LAW AND FACT WHEN IT MADE IMPERMISSIBLE INFERENCES AND FINDINGS IN VIOLATION OF THE PRINCIPLE OF *IN DUBIO PRO REO*.

46. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages⁶⁹ and paragraphs from the Judgment⁷⁰ and Decisions⁷¹ linked to this ground.

⁶³ Judgment, paras. 1851, 1855-1891, 1893-1898, 1911-1913, 1919-1922, 1923-1925, 1938-1943, 2016-2023, 2035-2041, 2042-2050, 2098-2106, 2107-2114, 2115-2119, 2153-2155, 2173-2177, 2187-2189, 2192-2193, 2194-2197, 3056, 3057, 3063, 3190.

⁶⁴ Judgment, paras. 3051, 3053-3057, 3065, 3188-3189, 3196-3206, 3209-3212.

⁶⁵ Judgment, paras. 3189, 3210.

⁶⁶ Judgment, paras. 2051, 3051, 3051-3065, 3189-3206, 3210-3212.

⁶⁷ T.1-44905.

⁶⁸ Judgment, paras. 5214-5216.

⁶⁹ T.1-44905.

⁷⁰ Judgment, paras. 1855-1882-1891, 1910-1913, 1922, 1926-1930, 1931-1936, 1944-1953, 1954-1959, 1960-1964, 1965-1969, 1970-1974, 1976-2005, 2016-2019, 2035-2041, 2042-2050, 2051-2057, 2058-2097, 2098-2106, 2107-2114, 2115-2119, 2120-2151, 2153-2155, 2156-2215, 3190, 3052, 5214-5216.

⁷¹ See, Annex F.

- (D) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FAILING TO PROVIDE SPECIFIC REASONS FOR THE CONCLUSIONS MADE IN THE JUDGEMENT ESPECIALLY FAILING TO ADDRESS EXCULPATORY EVIDENCE AS TO SHELLING INCIDENTS.

47. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,⁷² paragraphs from the Judgment⁷³ and Decisions⁷⁴ linked to this ground.

- (E) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FAILING TO PROVIDE SPECIFIC REASONS FOR THE CONCLUSIONS MADE IN THE JUDGEMENT ESPECIALLY FAILING TO ADDRESS EXCULPATORY EVIDENCE AS TO SNIPING INCIDENTS.

48. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,⁷⁵ paragraphs from the Judgment⁷⁶ and Decisions⁷⁷ linked to this ground .

- (F) THE TRIAL CHAMBER ERRED IN LAW AND FACT AND ABUSED ITS DISCRETION WHEN IT RELIED UPON EVIDENCE FROM DISCREDITED PROSECUTION WITNESSES RELATED TO SARAJEVO.

49. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,⁷⁸ paragraphs from the Judgment⁷⁹ and Decisions⁸⁰ linked to this ground.

⁷² T.1-44905.

⁷³ Judgment, paras. 1892-1913, 1915-1922, 193-1925, 1931-1936, 1938-1943, 1944-1953, 1954-1959, 1960-1964, 1965-1969, 1970-1974, 1976-2013, 2016-2215, 5214-5216.

⁷⁴ See, Annex F.

⁷⁵ T.1-44905.

⁷⁶ Judgment, paras. 1892-2013, 2016-2215, 5214-5216.

⁷⁷ See, Annex F.

⁷⁸ T.1-44905.

⁷⁹ Judgment, paras. 1850-1974, 1999-2003, 2006-2011, 5214-5216.

⁸⁰ See, Annex F.

(G) THE TRIAL CHAMBER ERRED IN LAW AND FACT AND ABUSED ITS DISCRETION AS TO ITS FINDINGS ON USE AND THE ACCURACY ON USE OF THE MODIFIED AIR-BOMBS IN SARAJEVO.

50. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,⁸¹ paragraphs from the Judgment⁸² and Decisions⁸³ linked to this ground.

VII. GROUND FIVE: THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FINDING THAT THE APPELLANT PARTICIPATED IN THE JCE'S ALLEGED IN SREBRENICA IN COUNTS 2-8.

51. The Judgment found the Appellant guilty of participating in two separate JCE's in relation to Srebrenica for crimes charged in counts 2-6 & 8.⁸⁴ Discernible errors are evident in the Trial Judgment which render these convictions improper and invalidate the same and/or have occasioned a miscarriage of justice. A miscarriage of justice is "a grossly unfair outcome in judicial proceedings when a defendant is convicted despite a lack of evidence on an essential element of the crime".⁸⁵

52. Due to the multitude and widespread nature of these errors, the Appellant, through Defence Counsel, seeks review of the relevant paragraphs from the Judgment in their totality.⁸⁶

53. Not only do these errors add up to a grossly inaccurate larger picture, but each error committed by the Trial Chamber is significant in nature. The errors call into question the motivation of the Trial Chamber in reaching conclusions of guilt. A careful review of the

⁸¹ T.1-44905.

⁸² Judgment, paras. 1910-1913, 2113, 2106, 2119, 2189, 2191, 2197, 2201, 2203, 2212, 5214-5216.

⁸³ See, Annex G.

⁸⁴ Judgment, para. 5131.

⁸⁵ *Prosecutor v. Kordic & Cerkez*, Case No. IT-65-14/2-A, *Judgement* (17 December 2004) at paras. 18-19; *Prosecutor v. Kunarac et al*, No. IT-96-23&23/1, *Judgement* (12 June 2002) at para. 39

⁸⁶ Judgment, paras. 2, 4, 5, 6, 7, 12, 15, 187-205, 210-215, 331-337, 343-346, 966, 1833, 2319-2351, 2352-2357, 2358-2363, 2364-2381, 2382-2387, 2388- 2406, 2407-2442, 2443-2456, 2457-2476, 2477-2478, 2479, 2480-2495, 2496-2533, 2534-2554, 2555-2571, 2572-2586, 2587-2600, 2601-2614, 2615-2636 2637-2660, 2661-2676, 2677-2684, 2685-2705, 2706-2708, 2709-2723, 2724-2732, 2733-2758, 2759-2766, 2676-2791, 2792-2825, 2826- 2849, 2850-2857, 2858-2863, 2864- 2876, 2877-2882, 2883-2894, 2895-2921, 2922-2935, 2936-2963, 2964-2976, 2977-2988, 2989-3007, 3032, 3042, 3043, 3044, 3045-3046, 3055, 3062-3065, 3098-3110, 3113-3116, 3122-3125, 3165-3179, 3183, 3227-3359, 3432-3437, 3537-3571, 4198-4200, 4237, 4279, 4311-4324, 4372-4395, 4548-4625, 4672-4706, 4875, 4885, 4922-5131, 5214-5216, 5262, 5263, 5265-5297, 5298, 5299, 5302-5308, 5309-5317, 5339-5353.

evidence demonstrates that no reasonable trier of fact would have reached the same conclusions as the Trial Chamber. The errors are of such magnitude so as to invalidate the convictions in their entirety. Further, they raise the possibility of judicial bias against the Appellant.

(A) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FINDING THAT MULTIPLE JCE'S EXISTED IN SREBRENICA AND THAT THE APPELLANT WAS A MEMBER OF THEM.

54. The Trial Judgment found that acts, omissions and the conduct of the Appellant established his membership in both JCE's in Srebrenica. Multiple discernible errors are evident from the Trial Judgment, which render these conclusions and findings improper and invalidate the same and/or have occasioned a miscarriage of justice.

55. The Defence asserts that the Trial Chamber abused its discretion by failing to consider or give proper weight to evidence of the Appellant's acts and/or conduct that demonstrated he did not share the requisite *mens rea* so as to be a member of either JCE in Srebrenica.

56. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages⁸⁷ and paragraphs from the Judgment⁸⁸ linked to this ground.

(B) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY CONCLUDING THAT THE APPELLANT SIGNIFICANTLY CONTRIBUTED TO THE SREBRENICA JCE.

57. On this basis, the Appellant, through Defence Counsel, seeks review of the following Transcript pages,⁸⁹ paragraphs from the Judgment⁹⁰ linked to this ground.

⁸⁷ T.1-44905.

⁸⁸ Judgment, paras. 2323, 2359, 2363, 2370-2372, 2382-2387, 2422, 2443-2456, 2474, 2556-2571, 2660, 2661, 2694, 2695, 2713, 2716, 2723-2727, 2732, 2735, 2738-2743, 2774, 2776-2779, 2826-2876, 2898, 2964-2988, 3125, 4535, 4548-4609, 4610-4612, 4672-4706, 4875-4885, 4922-4941, 4946, 4948, 4952-4954, 4956-4958, 4922-4941, 4970-4989, 5022-5045, 5046-5054, 5046-5090, 5096-5126, 5127-5131, 5214-5216, 5339-5345, 5353.

⁸⁹ T.1-44905.

⁹⁰ Judgment, paras. 2324-2328, 2364, 2367, 2369, 2370-2372, 2376-2381, 2382-2387, 2401, 2439-2442, 2443-2456, 2556-2571, 2660, 2661, 2716-2718, 2723-2725, 2732, 2826-2876, 2738-2743, 2769-2779, 2898, 2964-2988, 3125, 4535, 4548-4625, 4672-4706, 4875-4885, 4922-4941, 5022-5054, 5055-5090, 5096-5126, 5127-5131, 5214-5216.

- (C) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT, AND ABUSED ITS DISCRETION, RESULTING IN A MISCARRIAGE OF JUSTICE BY IMPERMISSIBLY MISQUOTING THE CONDITIONS IN THE SREBRENICA ENCLAVE PRIOR TO 1995 AND POPULATION MOVEMENTS PRIOR/POST JULY 1995 AS CRIMES ATTRIBUTABLE TO THE APPELLANT.

58. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,⁹¹ paragraphs from the Judgment⁹² and Decisions⁹³ linked to this ground.

- (D) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT WHEN IT REVERSED THE BURDEN OF PROOF AND VIOLATED *IN DUBIO PRO REO* BY FAILING TO PROVIDE A REASONED OPINION OR CONSIDER OTHER REASONABLE EXPLANATIONS FOR THE APPELLANT'S BEHAVIOR OTHER THAN HIS GUILT.

59. These errors include but are not limited to: a) failure to demilitarize Srebrenica; b) the UN's Order to Evacuate Srebrenica for Humanitarian Purposes; c) the legitimate nature of "Krivaja '95"; d) and that the Bosnian Muslim Authorities ordered the Evacuation of Srebrenica, among others.

60. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,⁹⁴ paragraphs from the Judgment⁹⁵ linked to this ground.

⁹¹T.1-44905.

⁹²Judgment, paras. 2324-2328, 2333-2335, 2336, 2339, 2344, 2346, 2347, 2351, 2353, 2359, 2360, 2363, 2382-2387, 2397, 2407, 2412, 2422, 2443-2456, 2459, 2474, 2556-2571, 2777-2779, 2732, 2964-2988, 4610-4625, 4875-4885, 4953, 4954, 4970-4989, 5052, 5066-5085, 5127-5131, 5214-5216, 5313, 5339-5345.

⁹³ See, Annex H.

⁹⁴T.1-44905.

⁹⁵Judgment, paras. 2323, 2324, 2338, 2339, 2341, 2342, 2344-2347, 2353-2356, 2358-2363, 2359, 2361, 2364, 2367, 2369, 2370-2372, 2376-2381, 2382-2387, 2389, 2391, 2392-2395, 2397, 2401, 2407, 2410, 2413, 2443-2456, 2476, 2536, 2537, 2576, 2606, 2637-2640, 2683, 2685-2707, 2732, 2738-2743, 2769, 2770-2774, 2776-2779, 2826-2876, 2883, 2884, 2886, 2894, 2898, 2900-2902, 2913, 2915, 2917, 2920, 2921, 4279, 4535, 4548-4609, 4672-4706, 4922-4944, 4946, 4948, 4952-4954, 4956-4958, 4970-5014, 5022-5045, 5066-5085, 5046-5054, 5096-5126, 5127-5131, 5214-5216, 5309, 5339-5344.

- (E) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT, AND ABUSED ITS DISCRETION, BY FAILING TO GIVE REASONED OPINIONS OR EVALUATE THE MILITARY STATUS OF VICTIMS RELATED TO THE COUNTS 2 AND 4 (GENOCIDE AND EXTERMINATION IN SREBRENICA).

61. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,⁹⁶ paragraphs from the Judgment⁹⁷ and Decisions⁹⁸ linked to this ground.

- (F) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT, AND ABUSED ITS DISCRETION, BY APPLYING AN INCONSISTENT/ERRONEOUS STANDARD IN ITS EVALUATION OF GENOCIDE IN SREBRENICA.

62. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,⁹⁹ paragraphs from the Judgment¹⁰⁰ linked to this ground.

- (G) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT, AND ABUSED ITS DISCRETION, WHEN EVALUATING THE ALIBI EVIDENCE AND ITS IMPACT AS TO THE APPELLANT'S KNOWLEDGE OR INVOLVEMENT IN EVENTS ON THE GROUND 14-17 JULY 1995 IN SREBRENICA.

63. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages¹⁰¹ and paragraphs from the Judgment¹⁰² linked to this ground.

⁹⁶ T.1-44905.

⁹⁷ Judgment, paras. 2395, 2443-2456, 2637-2650, 2653, 2660, 2722, 2732, 2738-2743, 2770-2774, 2776-2780, 2783-2791, 2813-2876, 2884, 2886, 2889, 2900-2903, 2913, 2915, 2917, 2920, 2921, 4946, 4948, 4953, 4954, 5066-5085, 5096-5126, 5127-5131, 5214-5216, 5299-5301.

⁹⁸ See, Annexes H, I.

⁹⁹ T.1-44905.

¹⁰⁰ Judgment, paras. 5129, 2556-2571, 2660, 2661, 2915, 2917, 2920, 2921, 3536-3554, 4237, 5066-5085, 5096-5126, 5127-5131, 5214-5216.

¹⁰¹ T.1-44905.

¹⁰² Judgment, paras. 2412, 2443-2456, 5015-5045, 5053, 5127-5131, 5214-5216.

- (H) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT, AND ABUSED ITS DISCRETION, BY PLACING UNDUE WEIGHT ON UNRELIABLE INTERCEPTS OF DUBIOUS PROVIDENCE.

64. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹⁰³ paragraphs from the Judgment¹⁰⁴ and Decisions¹⁰⁵ linked to this ground.

- (I) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT AND ABUSED ITS DISCRETION BY RELYING ON DUBIOUS EVIDENCE AND WITNESSES WITHOUT CORROBORATION, RESULTING IN A MISCARRIAGE OF JUSTICE.

65. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹⁰⁶ paragraphs from the Judgment¹⁰⁷ and Decisions¹⁰⁸ linked to this ground.

- (J) THE TRIAL CHAMBER ERRED IN LAW AND FACT AND ABUSED ITS DISCRETION BY FAILING TO PROPERLY APPLY *IN DUBIO PRO REO* TO THE APPELLANT'S ACTIONS *POST-FACTUM*.

66. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages¹⁰⁹ and paragraphs from the Judgment¹¹⁰ linked to this ground.

¹⁰³ T.1-44905.

¹⁰⁴ Judgment, paras. 2480, 2992, 2996, 4945, 4950, 4955, 5001, 5008, 5012-5014, 5022-5032, 5127-5131, 5214-5216, 5263, 5293-5297, 5305-5308.

¹⁰⁵ See, Annex J.

¹⁰⁶ T.1-44905.

¹⁰⁷ Judgment, paras. 2345, 2346, 2348, 2349, 2352, 2354, 2399-2400, 2403-2406, 2408, 2422, 2426, 2428, 2457, 2458, 2459, 2473, 2475, 2479, 2480, 2483, 2487-2489, 2497, 2498, 2515, 2542, 2545, 2552, 2572, 2606-2614, 2662-2676, 2682, 2685, 2694, 2709, 2719, 2721, 2722, 2724, 2725, 2731, 2794-2811, 2821-2825, 2887, 2889, 2890, 2892, 2900-2902, 2906, 2909, 2994-2997, 4593, 4992, 4995, 5000, 5003, 5006, 5007, 5061-5063, 5214-5216, 5119-5121, 5127-5131, 5298-5299, 5302-5304.

¹⁰⁸ See, Annex E (1,2,3).

¹⁰⁹ T.1-44905.

¹¹⁰ Judgment, paras. 4959-4964, 5086-5090, 5127-5131, 5214-5216.

VIII. GROUND SIX: THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FINDING THAT THE APPELLANT INTENDED THE OBJECTIVE OF THE HOSTAGE TAKING JCE AND THAT HE COMMITTED THE ACTUS REUS AND SHARED THE REQUISITE INTENT FOR THE CRIME.

(A) THE TRIAL CHAMBER ERRED IN LAW BY APPLYING THE WRONG LEGAL STANDARD TO AFFIRM THAT THE DETENTION OF UN PERSONNEL CONSTITUTED THE CRIME OF TAKING OF HOSTAGES.

67. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages¹¹¹ and paragraphs from the Judgment¹¹² linked to this ground.

(B) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY DERIVING ERRONEOUS CONCLUSIONS FROM ITS ASSESSMENT OF EVIDENCE RELATING TO THE DETENTION OF UN PERSONNEL.

68. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹¹³ paragraphs from the Judgment¹¹⁴ and Decisions¹¹⁵ linked to this ground.

(C) THE TRIAL CHAMBER ERRED IN LAW AND FACT BY ASSESSING CIRCUMSTANTIAL EVIDENCE IN A MANNER THAT VIOLATED THE PRINCIPLE OF *IN DUBIO PRO REO*.

69. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,¹¹⁶ paragraphs from the Judgment¹¹⁷ and Decisions¹¹⁸ linked to this ground.

¹¹¹ T.1-44905.

¹¹² Judgment, paras. 3008-3017, 3213-3226, 5214-5216.

¹¹³ T.1-44905.

¹¹⁴ Judgment, paras. 2343, 2216-2314, 2315-2318, 3217-3226, 5214-5216, 5132-5163.

¹¹⁵ See, Annex E (1,2,3).

¹¹⁶ T.1-44905.

¹¹⁷ Judgment, paras. 2216-2314, 2315-2318, 3217-3226, 5132-5163, 5214-5216.

¹¹⁸ See, Annex E (1,2,3).

(D) THE TRIAL CHAMBER ERRED IN LAW AND FACT BY UNDULY RELYING ON 92BIS EVIDENCE ON THIS COUNT.

70. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹¹⁹ paragraphs from the Judgment¹²⁰ and Decisions linked to this ground.¹²¹

(E) THE TRIAL CHAMBER ERRED IN LAW AND FACT BY IMPROPERLY RELYING ON EVIDENCE FROM THE BAR TABLE ON THIS COUNT.

71. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹²² paragraphs from the Judgment¹²³ and Decisions¹²⁴ linked to this ground.

IX. GROUND SEVEN: ERRORS IN LAW AND IN FACT AS TO MODES OF LIABILITY.

72. The Trial Chamber considered that where elements of both Article 7(1) and 7(3) were satisfied, a conviction should only be entered on the basis of the former.¹²⁵ It considered that the latter would then be used as an aggravating feature for sentence.

73. The Defence submits that the Trial Chamber fell into discernible error by failing to consider whether the elements of Article 7(3) had been satisfied after it had concluded that the elements of Article 7(1) had been satisfied.¹²⁶

74. Further, the Trial Chamber relied on impermissible inferences on the internal organisation and functioning of the VRS and its units, as well as on the VRS and General Mladić *vis-à-vis* civil and military structures.¹²⁷ It also made blanket statements that all

¹¹⁹ T.1-44905.

¹²⁰ Judgment, paras. 2216-2314, 2315-2318, 2944, 3217-3226, 5132-5163, 5214-5216.

¹²¹ See, Annex E (1).

¹²² T.1-44905.

¹²³ Judgment, paras. 2216-2314, 2315-2318, 3217-3226, 5132-5163, 5214-5216.

¹²⁴ See, Annex E (3).

¹²⁵ Judgement, paras. 5165, 5166.

¹²⁶ Judgement paras. 95-97, 100, 104-107, 147-152, 164, 172, 186, 239, 210-269, 1758-1849, 4095-4240, 4529-4547, 4293-4395,

¹²⁷ Judgement paras. 95-97, 98 (marked "1,"), 100, 104-107, 147-152, 164, 172, 186, 210, 239, 246-265, 269, 271, 277, 347, 1834.

crimes committed by regional and municipal bodies¹²⁸, MUP/Ministry of Interior/¹²⁹ paramilitaries¹³⁰, territorial defence units¹³¹, VJ¹³², and various unidentified VRS soldiers were attributable to the Appellant. This was done without a proper analysis of the requirements of superior responsibility.¹³³ The Trial Chamber failed to provide any reasoned opinion and proper analysis as to specific modes of liability and how their elements were established.¹³⁴

75. The Trial Chamber fell into discernible error in its application of JCE modes of liability across the Judgment. It construed its findings of guilt on other forms of liability, including those which were expressly excluded, and some that the Appellant was not even charged with in the Indictment.¹³⁵

76. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages¹³⁶ and paragraphs from the Judgment¹³⁷ linked to this ground.

X. GROUND EIGHT: THE APPELLANT'S RIGHT TO A FAIR TRIAL WAS GROSSLY VIOLATED

(A) THE TRIAL CHAMBER VIOLATED THE APPELLANT'S RIGHT TO A FAIR TRIAL BY FAILING TO ENSURE THAT THERE WAS AN 'EQUALITY OF ARMS'. THE APPROACH TAKEN TO THE DEFENCE IS NOT ONE A REASONABLE TRIAL CHAMBER WOULD HAVE TAKEN AND, AS SUCH, THERE WAS A MISCARRIAGE OF JUSTICE.

77. The Trial Chamber erred in law and fact in its conclusion at paragraph 5251 that the Defence was granted "*the same amount of time to present evidence through witnesses*". Due to the Trial Chamber's erroneous deliberation and inconsistent approach allowing associate

¹²⁸ Judgment, paras. 51-90, 3921-3985.

¹²⁹ Judgment, paras. 314-346, 1765, 1772-1773, 3784-3828.

¹³⁰ Judgment, paras. 347-348; 3829-3916.

¹³¹ Judgment, paras. 298-314.

¹³² Judgment, paras. 3744-3783.

¹³³ Judgment, paras. 114-152; 153-294; 314-348; 1795, 3744-3916; 4095-4240; 4242-4457; 4514-4547.

¹³⁴ Judgment, paras. 3165, 3008-3554.

¹³⁵ Judgment, paras. 1806, 4095-4240, 4242-4292, 4514-4547, 5164-5167, 5179.

¹³⁶ T.1-44905.

¹³⁷ Judgment, paras. 28, 36, 51-97, 98 (marked "1,"), 100, 104-107, 114-294, 147-152, 164, 172, 186, 210, 239, 246-265, 269, 271, 272, 277, 314-377, 454, 503-519, 564, 587, 602-632, 750-759, 779, 800-832, 835-839, 887-904, 961-974, 1017-1181, 1451-1476, 1589-1637, 1739-1742, 1758-1773, 1795, 1806, 1834, 1923-1925, 1944-1964, 1975-2015, 2035-2106, 2120-2215, 2475, 2662-2935, 3008-3554, 3568, 3578-4688, 4957, 4970-5014, 5055-5065, 5086-5131, 5164-5167, 5179, 5214-5216.

exhibits, the Defence experienced limitations and in some instances were prevented from introducing evidence.¹³⁸

78. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,¹³⁹ paragraphs from the Judgment¹⁴⁰ and Decisions¹⁴¹ linked to this ground.

(B) THE TRIAL CHAMBER CONDUCTED THE TRIAL TO THE DETRIMENT OF THE APPELLANT'S HEALTH AND ERRED IN ASSESSING THE IMPACT OF THE APPELLANT'S MEDICAL CONDITIONS ON HIS BEHAVIOUR AT TRIAL.

79. The Trial Chamber failed to take into account the medical evidence that supported the Appellant's physical and mental health difficulties and the impact this would have on his behaviour during the course of the trial. The approach taken and the findings made against him on the basis of his behaviour resulted in a miscarriage of justice.

80. In the Judgement, the Trial Chamber specifically recalled the "*behaviour of the accused*" in the procedural history of the case.¹⁴² The Appellant's propensity for disruptive behaviour and speaking out of turn was highlighted as part of this. No reference is made to the peculiarities of the Defendant – namely his physical and/or mental health difficulties – and the medical evidence that was presented to provide the context to, and explanation for, his behaviour. The medical evidence is relied on by the Trial Chamber only as an explanation for the adjustment to the Court's sitting hours.¹⁴³ The Trial Chamber misrepresented his behaviour both in Court and in the Judgement.

81. Further, the Trial Chamber relied on The Appellant's outbursts as evidence of intent. The Trial Chamber relied on one such incident as evidence of *mens rea* in relation to the first (overarching) JCE.¹⁴⁴ The comments were made to his legal representatives and are protected by legal professional privilege. The Trial Chamber fell into discernible error by relying on

¹³⁸ Judgment, para. 5259.

¹³⁹ T.1-44905.

¹⁴⁰ Judgment, para. 5214-5216, 5239, 5241-5243, 5251, 5255, 5258, 5259, 5260.

¹⁴¹ See, Annexes D, K, L.

¹⁴² Judgment, para. 5246.

¹⁴³ Judgment, para. 5247-5248.

¹⁴⁴ Judgment, paras. 5352; See also, Judgment, paras. 4614, 4643; "Decision on the Prosecution's Motion for Leave to Amend its Rule 65Ter Witness List", 22 August 2013; and "Decision on Defence Request for Certification To Appeal Oral Decision of 12 September 2013", 21 October 2013

this evidence to support its conclusion that the Appellant possessed the requisite *mens rea* for the first (overarching) JCE without considering if privilege had in fact been waived. This both invalidates the decision and resulted in a miscarriage of justice.

82. The fundamental disregard for the Appellant's compromised mental capacity and medical symptoms explaining behaviour, (which was reported to and known by the Chamber) coupled with the fact that this same behaviour (known to be a symptom of his medical/mental condition) was persistently misconstrued as contempt for the Court, created a misleading perception of his behaviour and fitness to stand trial. There is now medical evidence that the Appellant was in fact unfit. The context of his behaviour was disregarded. The Trial Chamber should have adapted the Court process to assist the Appellant to ensure that he could effectively and meaningfully participate within the trial with the least risk of further damage to his health and that any behavioural issues were properly dealt with. Instead, the Trial Chamber presented a misleading picture of the Appellant's behaviour to the world.

83. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹⁴⁵ paragraphs from the Judgment¹⁴⁶ and Decisions¹⁴⁷ linked to this ground.

(C) THE TRIAL CHAMBER INFRINGED ON THE DEFENCE'S ABILITY TO PRESENT THE DEFENCE CASE ON BEHALF OF THE APPELLANT.

84. The Trial Chamber made discernible errors in law by limiting the Defence as to presentation of its case.

85. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,¹⁴⁸ paragraphs from the Judgment¹⁴⁹ and Decisions¹⁵⁰ linked to this ground.

¹⁴⁵ T.1-44905.

¹⁴⁶ Judgment, paras. 5214-5216.

¹⁴⁷ See, Annexes K, L.

¹⁴⁸ T.1-44905.

¹⁴⁹ Judgment, paras. 5214-5216, 5259, 5260.

¹⁵⁰ See, Annexes D, L.; See, for example, "Decision on Mladić Motion for access to completed cases", 7 September 2012.

- (D) DISCLOSURE VIOLATIONS WERE PERMITTED BY THE TRIAL CHAMBER AND NOT REMEDIED, THEREBY PREJUDICING THE APPELLANT.

86. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹⁵¹ paragraphs from the Judgment¹⁵² and Decisions¹⁵³ linked to this ground.

- (E) SYSTEMATIC UNFAIRNESS/BIAS EXISTED THROUGHOUT THE TRIAL PROCEEDINGS.

87. On this basis, the Appellant, through Defence Counsel, seeks review of the Transcript pages,¹⁵⁴ paragraphs from the Judgment¹⁵⁵ and Decisions¹⁵⁶ linked to this ground.

XI. GROUND NINE: APPEAL AGAINST SENTENCE.

- (A) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY DOUBLE COUNTING THE APPELLANT'S SUPERIOR RESPONSIBILITY AND HIS CONTRIBUTION TO THE JCE'S IN HIS SENTENCE.

88. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages¹⁵⁷ and paragraphs from the Judgment¹⁵⁸ linked to this ground.

- (B) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT BY FAILING TO GIVE APPROPRIATE WEIGHT TO THE MITIGATING CIRCUMSTANCES, NAMELY THE APPELLANT'S AGE AND ILL HEALTH.

89. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages,¹⁵⁹ paragraphs from the Judgment¹⁶⁰ and Decisions¹⁶¹ linked to this ground.

¹⁵¹ T.1-44905.

¹⁵² Judgment, paras. 5214-5216.

¹⁵³ See, Annex D.

¹⁵⁴ T.1-44905.

¹⁵⁵ Judgment, paras. 489, 1098, 4956-4958, 5214-5216, 5241, 5243.

¹⁵⁶ See, Annexes A-L.

¹⁵⁷ T.44819-44821.

¹⁵⁸ Judgment, paras. 5186, 5193, 5214-5216.

¹⁵⁹ T.44821-44823.

(C) THE TRIAL CHAMBER FAILED TO TAKE INTO ACCOUNT THE INDIVIDUAL CIRCUMSTANCES OF THE APPELLANT.

90. On this basis, the Appellant, through Defence Counsel, seeks review of the of the relevant Transcript pages¹⁶² and paragraphs from the Judgment linked to this ground.¹⁶³

(D) THE TRIAL CHAMBER ERRED IN LAW AND IN FACT, AND ABUSED ITS DISCRETION, BY IMPOSING A LIFE SENTENCE WITHOUT ADDRESSING OR GIVING REASONS ON THE ECtHR DECISION PREVENTING RETROACTIVE APPLICATION OF THE SENTENCING LAW OF THE BOSNIA AND HERZEGOVINA.

91. On this basis, the Appellant, through Defence Counsel, seeks review of the relevant Transcript pages¹⁶⁴ and paragraphs from the Judgment¹⁶⁵ linked to this ground.

¹⁶⁰ Judgment, paras. 5195, 5202, 5203, 5214-5216.

¹⁶¹ See, Annex K; See, for example, "Decision on Defence Motion for an Extension of Time to Tender Sentence-Related Information", 2 September 2016; "Decision on Defence Motion for Certification to Appeal Decision on Extension of Time to Tender Sentence-Related Information", 11 November 2016.

¹⁶² T.1-44905.

¹⁶³ Judgment, para. 5210.

¹⁶⁴ T.44819-44821.

¹⁶⁵ Judgment, para. 5207, 5214-5216, 5253.

XII THE OVERALL RELIEF REQUESTED

THE DEFENCE RESPECTFULLY INVITES THE APPEALS CHAMBER TO:

- **REVERSE ALL OF THE ERRONEOUS FINDINGS;**
- **QUASH AND/OR REVERSE THE APPELLANT'S CONVICTIONS ON COUNTS 2-11, AND ENTER ACQUITTALS ON ALL THESE COUNTS;**
- **IN THE ALTERNATIVE, ORDER A RETRIAL;**
- **FURTHER OR IN THE ALTERNATIVE, REDUCE THE APPELLANT'S SENTENCE SIGNIFICANTLY.**

Word count: 10,748

RESPECTFULLY SUBMITTED BY:



Branko Lukić
Lead Counsel for Ratko Mladić



Dragan Ivetić
Co-Counsel for Ratko Mladić

THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

Case No. MICT-13-56-A

PUBLIC

ANNEX A

Decisions on Adjudicated Facts

Document Title	Confidentiality	Signature Date
DECISION ON DEFENCE MOTION ALLEGING DEFECTS IN THE FORM OF THE INDICTMENT	Public	30-nov-2016
DECISION ON DEFENCE MOTION FOR RECONSIDERATION OF OR, IN THE ALTERNATIVE, CERTIFICATION TO APPEAL THE DECISION ON DEFENCE MOTION ALLEGING DEFECTS IN THE FORM OF THE INDICTMENT	Public	23-feb-2017
DECISION ON DEFENCE PRELIMINARY MOTION OBJECTING TO THE FORM OF THE SECOND AMENDED INDICTMENT	Public	13-oct-2011
DECISION ON AMENDMENT OF INDICTMENT	Public	27-may-2011
DECISION PURSUANT TO RULE 73 <i>BIS</i> (D)	Public	2-dec-11

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ANNEX B

Defects in Indictment (Notice) and Victims & Scope

Document Title	Confidentiality	Signature Date
DECISION ON DEFENCE MOTION ALLEGING DEFECTS IN THE FORM OF THE INDICTMENT	Public	30-nov-2016
DECISION ON DEFENCE MOTION FOR RECONSIDERATION OF OR, IN THE ALTERNATIVE, CERTIFICATION TO APPEAL THE DECISION ON DEFENCE MOTION ALLEGING DEFECTS IN THE FORM OF THE INDICTMENT	Public	23-feb-2017
DECISION ON DEFENCE PRELIMINARY MOTION OBJECTING TO THE FORM OF THE SECOND AMENDED INDICTMENT	Public	13-oct-2011
DECISION ON AMENDMENT OF INDICTMENT	Public	27-may-2011
DECISION PURSUANT TO RULE 73 <i>BIS</i> (D)	Public	2-dec-11
Decision on Prosecution motion for protective measures for victims and witnesses and documentary evidence	Public	24-Jun-11
Amendment of decision on Prosecution motion for protective measures for victims and witnesses and documentary evidence	Public	27-Sep-11
List of victims relevant to the Fourth Amended Indictment	Public	16-Dec-11
[REDACTED]	[REDACTED]	[REDACTED]
Prosecution Submission of Proof of Death and Injury Chart for Killed and Wounded Victims	Public	21-May-15
[REDACTED]	[REDACTED]	[REDACTED]
Decision on Prosecution motion to admit evidence from the bar table - proof of death documents	Public	31-Jan-14
Decision on Prosecution bar table submission of proof of death documents in connection with Witness Ewa Tabeau	Public	31-Jan-14
[REDACTED]	[REDACTED]	[REDACTED]

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ANNEX C

Decisions on Adjudicated Facts

Document Title	Confidentiality	Signature Date
First Decision on Prosecution Motion for Judicial Notice of adjudicated facts	Public	28-Feb-12
Second decision on Prosecution motion for judicial notice of adjudicated facts	Public	21-Mar-12
Third decision on Prosecution motion for judicial notice of adjudicated facts	Public	13-Apr-12
Fourth Decision on Prosecution motion for judicial notice of adjudicated facts concerning the rebuttal evidence procedure	Public	2-May-12
Decision on proprio motu taking judicial notice of two adjudicated facts	Public	5-Jun-12
Decision on Prosecution motion pursuant to the Appeals Chamber's decision on adjudicated facts	Public	30-Jan-14

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ANNEX D

Decisions on Fairness or Bias

DocumentTitle	Confidentiality	SignatureDate
Various Pre-trial Objections and failures to rule (e.g.) T.73-83; 160-165; 200; 224-240; 255-266; 295-319; 342-394; 404-448; 486-502		
Decision on Defence request to disqualify Richard Butler as an expert and bar the Prosecution from presenting his reports	Public	19-oct-12
Decision on Defence motion to disqualify Richard Philips as an expert and bar the Prosecution from presenting his report	Public	1-nov-12
Decision on Defence request to disqualify Patrick Van Der Weijden as an Expert and Bar the Prosecution from presenting his report	Public	9-ene-13
Reasons for decision on Prosecution request to tender documents and decision on Defence motion for certification to appeal	Public	10-mar-16
Decision on Defence Motion for a fair trial and the presumption of innocence or, in the alternative, a mistrial	Public	4-jul-16
Decision on Defence Request for Information Necessary to Ascertain Fairness of Proceedings and Renewed Request for Transparency as to Chambers Staff's Involvement in Chambers' Decisions	Public	18-ago-16
Decision on two Defence requests for adjournment of the start of trial	Public	3-May-12
Decision on Submissions Relative to the Proposed "EDS" Method of Disclosure	Public	26-Jun-12
Order Denying Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Presiding Judge Alphons Orié and for a Stay of Proceedings [Public with Public Redacted Annex)	Public	15-May-12
[REDACTED]	[REDACTED]	[REDACTED]
Order Denying Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Presiding Judge Alphons Orié and for a Stay of Proceedings - SURROGATE SHEET	Public	15-May-12
Decision concerning motion to exceed word count and Defence motion pursuant to Rule 15(B) seeking disqualification of Presiding Judge Alphons Orié	Public	22-Jan-14

Decisions on Fairness or Bias

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Public Annex B to Decision concerning motion to exceed word count and Defence motion pursuant to Rule 15(B) seeking disqualification of Presiding Judge Alphons Orie	Public		22-Jan-14
Decision concerning Defence motion to exceed word count and Defence motion pursuant to Rule 15(B) seeking disqualification of Judge Christoph Flügge	Public		22-Jan-14
[REDACTED]	[REDACTED]		[REDACTED]
Public Annex B to Decision concerning Defence motion to exceed word count and Defence motion pursuant to Rule 15(B) seeking disqualification of Judge Christoph Flügge	Public		22-Jan-14
Decision concerning Defence motion to exceed word count and Defence motion pursuant to Rule 15(B) seeking disqualification of Judge Christoph Flügge	Public		22-Jan-14
Decision on Defence Request for Information Necessary to Ascertain Fairness of Proceedings and Renewed Request for Transparency as to Chambers Staff's Involvement in Chambers' Decisions DECISION ON THE DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON SUBMISSIONS RELATIVE TO THE PROPOSED "EDS" METHOD OF DISCLOSURE	Public		18-Aug-16
	Public		13-aug-12
Decision on Defence motion for certification to appeal decision on motion for a stay of proceedings or a mistrial	Public		21-Oct-16
[REDACTED]	[REDACTED]		[REDACTED]
Decision on Defence Motion to Strike the Prosecution Final Trial Brief	Public		30-Nov-16
[REDACTED]	[REDACTED]		[REDACTED]

Decisions on Fairness or Bias

Decision on Defence motion to amend witness list	Public	12-Aug-14
Decision on Prosecution urgent submission regarding status of decision and documents relating to Witness Predrag Radulovic	Public	17-Jan-14
Decision on urgent Defence motion seeking that the Trial Chamber intervene to protect the rights of the accused in relation to the subpoena issued by the Karadzic Chamber		13 August 2012
DECISION ON THE DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON SUBMISSIONS RELATIVE TO THE PROPOSED "EDS" METHOD OF DISCLOSURE	<i>PUBLIC</i>	
DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL ORAL DECISION ADMITTING WITNESS V AN DER WEIJDEN'S EXPERT REPORT	<i>PUBLIC</i>	13 September 2013
DECISION ON DEFENCE REQUEST FOR CERTIFICATION TO APPEAL ORAL DECISION OF 12 SEPTEMBER 2013	<i>PUBLIC</i>	21 October 2013
[REDACTED]		[REDACTED]
DECISION ON DEFENCE MOTION FOR RECONSIDERATION OR CERTIFICATION TO APPEAL DECISION ON FOCA MUNICIPALITY BAR TABLE MOTION	<i>PUBLIC</i>	31 January 2014
DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON PROSECUTION'S SECOND RESIDUAL BAR TABLE MOTION	<i>PUBLIC</i>	02 June 2014
DECISION ON DEFENCE MOTION FOR VARIATION OF TIME LIMIT FOR MOTION FOR CERTIFICATION TO APPEAL DECISION DENYING PROTECTIVE MEASURES	<i>PUBLIC</i>	11 December 2014
DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL DECISION ON FORTY-FIFTH MOTION TO ADMIT EVIDENCE PURSUANT TO RULE 92 BIS	<i>PUBLIC</i>	30 June 2015

Decisions on Fairness or Bias

DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON THE ADMISSION OF THE EVIDENCE OF MILAN TUTORIC	<i>PUBLIC</i>	15 July 2015
REASONS FOR DECISION ON PROSECUTION REQUEST TO TENDER DOCUMENTS AND DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL	<i>PUBLIC</i>	10 March 2016
DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL DEFENCE BAR TABLE SUBMISSIONS DECISION	<i>PUBLIC</i>	17 May 2016
DECISION ON DEFENCE'S MOTION FOR PARTIAL RECONSIDERATION OR CERTIFICATION TO APPEAL THE DECISION ON DEFENCE'S SECOND BAR TABLE MOTION	<i>PUBLIC</i>	06 July 2016
DECISION ON DEFENCE'S MOTION FOR CERTIFICATION TO APPEAL THE FIFTH BAR TABLE DECISION AS TO THE DOCUMENT BEARING RULE 65 TER NUMBER 1D04682	<i>PUBLIC</i>	01 August 2016
DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE SECOND DEFENCE CASE OMNIBUS DECISION AS TO EXHIBIT P7782	<i>PUBLIC</i>	01 August 2016
DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE FIFTH BAR TABLE DECISION AS TO THE DOCUMENT BEARING RULE 65 TER NUMBER 1D07014	<i>PUBLIC</i>	02 August 2016
DECISION ON DEFENCE'S MOTION FOR CERTIFICATION TO APPEAL THE FIFTH BAR TABLE DECISION AS TO THE DOCUMENT BEARING RULE 65 TER NUMBER 1D00460	<i>PUBLIC</i>	15 August 2016
DECISION ON DEFENCE'S MOTION FOR CERTIFICATION TO APPEAL THE DECISION DENYING THE ADMISSION INTO EVIDENCE OF THE DOCUMENT BEARING RULE 65 TER NUMBERS 1D05519, 1D05539 AND 1D05563	<i>PUBLIC</i>	31 August 2016
[REDACTED]	[REDACTED]	[REDACTED]
Decision on request for reconsideration of the decision on Defence motion for certification to appeal the fifth bar table decision	Public	20-ott-16
Decision on Defence motion for certification to appeal decision on motion for a stay of proceedings or a mistrial	Public	21-ott-16

Decisions on Fairness or Bias

Decision on Defence Motion for Reconsideration of or, Alternatively, Certification to Appeal the Decision on Defence Requests to Vary the Deadline for Presenting Witnesses	Confidential	26-ott-16
Decision on Defence Motion for reconsideration or certification to appeal Decision on witness Demurenko	Public	11-nov-16
Decision on Defence Motion for certification to appeal Decision on extension of time to tender sentence-related information	Public	11-nov-16
Decision on Defence Motion for Certification to Appeal the Third Defence Case Omnibus Decision in Relation to Tabeau and Clark	Public	01-dic-16
Decision on Ratko Mladic's requests for leave to reply and reconsideration or, alternatively, certification or disqualification	Confidential	27-gen-17
Decision on Defence motion for reconsideration of or, in the alternative, certification to appeal the decision on Defence motion alleging defects in the form of the indictment	Public	23-feb-17
Oral Decision to eject Appellant from Further Initial Appearance for trying to exercise his right to waive reading of the Indictment (T.46-47)	Public	4-jul-11
Multiple decisions Removing Mr. Mladic from Court and attempting to proceed without a waiver of his attendance (as cited in TJ fm17928 - T. 46-47, 2057, 3728, 4040-4041, 5081, 6416-6418, 7729-7730, 8832, 9564-9566, 9885-9888, 22032-22033, 22723, 29051-29052, 29090, 29788, 35159-35160, 35854.	Various	various
Decision On Motion To Reconsider Decision On Urgent Defence Motions Of 10 November 2017 Or In The Alternative Motion For Certification To Appeal	Public	21-nov-16
Decision on Urgent Defence Motions	Public	10-nov-16
Pronouncement of Judgment despite Medical Emergency of Mr. Mladic and acknowledgement of "NOTICE OF EXCEPTION TO PROCEEDINGS" filed 21 Nov. 2016 listing medical risks of proceeding with hearing	Public	22-nov-16
[REDACTED]	[REDACTED]	[REDACTED]

Decisions on Fairness or Bias

21-Mar-12	Decision on Defense Motion to Exceed Word Limit of Response to Re-filing of Prosecution Motion to Admit the Evidence of RM057 Pursuant to Rule 92 bis	
23-Mar-12	Decision on Shortened Time for Defense Response to OTP Request for Reconsideration of Rule 68(i) deadline as to Prosecution witnesses	
10-Apr-12	Decision Directing the Filing of Submissions on Rule 66(A)(ii) by the Parties	
11-Apr-12	Decision on Prosecution Motion to Reconsider Denial of Extension of Rule 68(i) Disclosure	
11-Apr-12	Decision on Defense Request to File Reply Brief in Support of the Defence Motion for Certification to Appeal the First Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts	
12-Apr-12	Decision on Defense Motion to Enlarge Time for Response to the Prosecution's Rule 92bis motion (Witness RM-078)	
23-Apr-12	Decision on Defence Request to File Reply in Support of the Defence Motion for Certification to Appeal the Second Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts	
24-Apr-12	Decision Scheduling Additional Rule 65 Ter and Pre-Trial Conference dates	
26-Apr-12	Decision on Prosecution Motion to Extend Rule 68(i) Disclosure for Prosecution Witnesses	
26-Apr-12	Decision Prosecution's Request for Extension of the General Rule 68 (i) Disclosure Deadline	
26-Apr-12	Reminders EDS short Description of Index Collection Report	
7-May-12	Defence Response Deadlines for Rule 92 bis and ter motions	
8-May-12	Decision Granting Additional time for Opening Statement	
9-May-12	Response Time for Prosecution's Urgent Motion for an Extension to File its Rule 65 ter Witness List	
11-May-12	Chamber Instruction in Relation to the Prosecution email "Disclosure Issues" of 11/05/12	
25-May-12	Decision on Defence Urgent Motion to Enlarge Time for Response to Second Motion to Amend 65ter Exhibit List	
30-May-12	Rule 92bis motion with regard to Witness RM-057	
30-May-12	Prosecution Requests for Leave to Reply to Defence Response to Prosecution Rule 92ter Motions re. RM505, RM078, RM056, RM018, RM053, RM034, RM321 and RM516.	
1-Jun.12	Prosecution Response to Defence Notice of Lack of Translation of Expert Report for RM607	
7-Jun.12	Urgent Prosecution Motion for an Extension to File its Revised 65ter Witness List	
8-Jun.12	Prosecution Request for an Extension of Time to File a Reply to Defence Response to Prosecution Rule 92 ter Motion: RM115	
18-Jun.12	Chamber's decision to suspend the presentation of evidence	

Decisions on Fairness or Bias

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Decision on the Prosecution's motion for admission of the utterances of the accused	Public		4-Jun-13
Decision on the Prosecution's motion for leave to amend its Rule 65ter witness list	Public		22-Aug-13
Oral Ruling at T.16589-16590 Granting attorney client privileged communications to be the subject of testimony of Prosecution interlopers	Public		12-Sep-13
Decision denying Appellant right to communicate with counsel in Court and restricting to use of notecards (Orally issued and referenced various times) e.g, T.9407-9408			Multiple
Decision on Prosecution Motion to Re-Open its Case-In-Chief,	Public		23-Oct-14

Decisions on Fairness or Bias

Decision on Defence Request to Adopt Modality for Prosecution Re-Opening,	public	27 -Mar-15
Decision on Defence Motion for Certification to Appeal the Decision on Defence Request to Adopt Modality for Prosecution Re-Opening,	public	17-Apr-15
Decision on Defence Request Regarding the Filing of Public Redacted Briefs	Public	2-Oct-2017

THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

Case No. MICT-13-56-A

PUBLIC Redacted

ANNEX E (1)

Decision on Prosecution's 92bis Witnesses

Document Title	Confidentiality	SignatureDate
Decision on Prosecution third motion to admit evidence pursuant to Rule 92bis: Sarajevo Witnesses	Public	19-Oct-12
Decision on Prosecution fourth motion to admit evidence pursuant to Rule 92bis: Hostage Witnesses	Public	19-Oct-12
Decision on Prosecution fifth motion to admit evidence pursuant to Rule 92bis: Sarajevo Witnesses	Public	11-Jan-13
Decision on Prosecution's seventh motion to admit evidence pursuant to Rule 92bis	Public	6-Feb-13
Decision on Prosecution sixth motion to admit statements and transcripts in lieu of oral testimony pursuant to Rule 92bis	Public	19-Jun-13
Decision on Prosecution fourteenth motion to admit evidence pursuant to Rule 92bis	Public	28-Jun-13
Decision on Prosecution motion to admit evidence pursuant to Rule 92bis: Witness RM-159	Public	28-Jun-13
Decision on Prosecution motion to admit evidence of Mevludin Oric pursuant to rule 92bis	Public	8-Jul-13
[REDACTED]	[REDACTED]	[REDACTED]
[SURROGATE SHEET]: Decision on Prosecution's ninth motion to admit evidence pursuant to Rule 92bis	Public	18-Jul-13
Decision on Prosecution eight motion to admit evidence pursuant to Rule 92bis: Srebrenica Survivors	Public	18-Jul-13
Decision on Prosecution 26th motion to admit evidence pursuant to Rule 92bis: Sead Besic	Public	18-Jul-13
Decision on Prosecution 22nd motion to admit evidence pursuant to Rule 92bis	Public	23-Aug-13
Decision on Prosecution tenth motion to admit evidence pursuant to Rule 92bis: Srebrenica	Public	26-Aug-13
Decision on Prosecution's nineteenth motion to admit evidence pursuant to Rule 92bis: Mejra Mesanovic	Public	27-Aug-13
Decision on Prosecution eleventh motion to admit evidence pursuant to Rule 92bis	Public	6-Sep-13
Decision on Prosecution's twelfth motion to admit evidence pursuant to Rule 92 bis	Public	18-Sep-13
Decision on Prosecution fifteenth motion to admit evidence pursuant to Rule 92 bis and motion for protective measures for Witness RM-089	Public	18-Sep-13
Decision on Prosecution seventeenth motion to admit evidence pursuant to Rule 92 bis (Sarajevo Witnesses)	Public	18-Sep-13
Decision on Prosecution's 18th motion to admit evidence pursuant to Rule 92bis	Public	23-Sep-13

Decision on Prosecution's 20th motion to admit evidence pursuant to Rule 92bis	Public	25-Sep-13
Decision on Prosecution's sixteenth motion to admit evidence pursuant to Rule 92bis: VRS Personnel	Public	4-Oct-13
Decision on Prosecution's twenty-first motion to admit evidence pursuant to rule 92bis: VRS, Dutchbat, and Bosnian Muslim Witnesses	Public	16-Oct-13
Decision on Prosecution twenty-third motion to admit evidence pursuant to rule 92bis	Public	25-Oct-13
Decision on Prosecution 32nd Motion to admit evidence pursuant to rule 92bis	Public	31-Oct-13
Decision on Prosecution motion to admit evidence pursuant to Rule 92 bis: Zijo Hadzic	Public	8-Nov-13
Decision on the Prosecution's 27th motion to admit evidence pursuant to Rule 92 bis	Public	8-Nov-13
████████████████████	██████████	██████████
Decision on Prosecution fourtieth motion to admit evidence pursuant to Rule 92 bis: Jevto Bogdanovic	Public	20-Nov-13
Decision on Prosecution 38th motion to admit evidence pursuant to Rule 92bis - Witness RM-098	Public	28-Nov-13
Decision on Prosecution 29th Motion to admit evidence pursuant to Rule 92 BIS	Public	2-Dec-13
Decision on Prosecution's twenty-eighth Motion to admit evidence pursuant to Rule 92 BIS	Public	2-Dec-13
Decision on Prosecution's 34th Motion to admit evidence pursuant to Rule 92 BIS	Public	2-Dec-13
Decision on Prosecution 37th motion to admit evidence pursuant to rule 92bis	Public	9-Dec-13
Decision on Prosecution's 42nd motion to admit evidence pursuant to rule 92bis: Nedim Gavranovic	Public	11-Dec-13
Decision on Prosecution's 41st motion to admit evidence pursuant to rule 92bis: Witness RM-379	Public	11-Dec-13
Decision on Prosecution's 36th motion to admit the evidence of RM093 pursuant to rule 92bis	Public	12-Dec-13
Decision on Prosecution's 43rd motion to admit evidence pursuant to Rule 92bis: RM-183 and RM-184	Public	13-Dec-13
Decision on Prosecution 39th motion to admit evidence pursuant to rule 92bis-Witness RM-378	Public	17-Dec-13
Decision on Prosecution 35th motion to admit evidence pursuant to rule 92bis: Eset Muracevic	Public	18-Dec-13
Decision on Prosecution 30th motion to admit evidence pursuant to rule 92bis	Public	18-Dec-13

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ANNEX E (2)

Decision on Prosecution's 92nd Quarter Witnesses

Document Title	Confidentiality	Signature Date
Decision on Prosecution Motion to Admit the Evidence of Witness RM-266 Pursuant to Rule 92 quater	Public	22-Jul-12
Decision on Prosecution motion to admit the evidence of witnesses Zaim Kosaric and Dula Leka pursuant to Rule 92 quater	Public	9-Nov-12
Decision on Prosecution motion to admit the evidence of Witnesses RM-107, RM-170, and RM-180 pursuant to Rule 92 quater	Public	14-Dec-12
Decision on Prosecution motion to admit the evidence of Witness Ismet Poljak (RM-072) pursuant to Rule 92quater	Public	25-Apr-13
Decision on Prosecution motion to admit the evidence of Witness RM-030 pursuant to Rule 92quater	Public	21-Jun-13
Decision on Prosecution motion to admit the evidence of Alija Isakovic pursuant to Rule 92quater	Public	24-Jun-13
Decision on Prosecution 92quater motion (Witness RM-132)	Public	28-Jun-13
Decision on Prosecution motion to admit the evidence of Witness RM-265 pursuant to Rule 92quater	Public	4-Oct-13
Decision on Prosecution motion to admit the evidence of Witness Herbert Okun pursuant to Rule 92quater	Public	12-Nov-13
Decision on Prosecution Rule 92 Quater Motion (Witness RM-012)	Public	13-Dec-13
Decision on Prosecution motion to admit evidence of Thomas Knustad and Zlatko Medjedovic pursuant to rule 92quater and to add three documents to the rule 65ter exhibit list	Public	17-Dec-13
Decision on Prosecution motion to admit the evidence of pursuant to rule 92 quater: Witness Predrag Radulovic	Public	20-Dec-13
Decision on Prosecution motion to admit the evidence of Ljubomir Bojanovic and Miroslav Deronjic pursuant to Rule 92 quater	Public	13-Jan-14
Decision on Prosecution motion to admit the evidence of Kemal Buco (RM109) pursuant to Rule 92 quater	Public	24-Jan-14
Decision on Prosecution rule 92quater motion: Predrag Radic	Public	13-Feb-14
Decision on Prosecution motion to admit the evidence of Milenko Lazic (RM-288) and Novica Simic (RM353) pursuant to rule 92 quater	Public	13-Feb-14
Decision on Prosecution's motion for admission of the evidence of RM-518 (Milan Babic) pursuant to rule 92 quater	Public	13-Feb-14

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ANNEX E (3)

Decision on Prosecution's Bar Table Motions

DocumentTitle	Confidentiality	SignatureDate
Decision on Prosecution first motion to admit evidence from the bar table: Mladic Notebooks	Public	25-sep-12
Decision on Prosecution's motion for reconsideration, granting admission from the bar table or certification in relation to decision regarding associated exhibits of Witness Tucker	Public	7-feb-13
Decision on Prosecution's bar table motion for the admission of intercepts: Srebrenica segment	Public	2-may-13
Decision on Prosecutin motion for admission of documents from the bar table	Public	19-jul-13
Decision on Prosecution motion to admit United Nations resolutions, reports and code cables from the bar table	Public	28-aug-13
Decision on Prosecution motion to admit evidence from the bar table: excerpts from Mladic's audio tapes	Public	18-sep-13
Decision on Prosecution motion to admit evidence from the bar table: Foca municipality	Public	14-nov-13
Decision on Prosecution second motion to admit United Nations resolutions, reports and code cables from the bar table	Public	14-nov-13
Decision on Prosecution motion for admission of documents from the bar table (Sarajevo Documents)	Public	17-dec-13
[REDACTED]	[REDACTED]	[REDACTED]
[SURROGATE SHEET] Decision on Prosecution motion to admit evidence from the bar table: Military Justice and decision on the admission of P1060	Public	13-jan-14
Decision on Prosecution motion to admit evidence from the bar table: Evidence related to the Assembly of Republika Srpska	Public	23-jan-14
Decision on Prosecution second bar table motion for the admission of intercepts: Srebrenica Segment	Public	23-jan-14
Decision on Prosecution motion for admission of documents from the bar table (Sarajevo documents and documents of general relevance)	Public	28-jan-14
Decision on Prosecution motion to admit evidence from the bar table - proof of death documents	Public	31-jan-14
Decision on Prosecution bar table submission of proof of death documents in connection with Witness Ewa Tabeau	Public	31-jan-14
Decision on Defence motion for reconsideration or certification to appeal decision on Foca municipality bar table motion	Public	31-jan-14
Decision on Prosecution residual Bar Table Motion	Public	11-feb-14

Decision on Prosecution's Bar Table Motions

[illegible]

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ANNEX F

Decisions on Fairness or Bias

DocumentTitle	Confidentiality	SignatureDate
Decision on Defence motion to disqualify Richard Philips as an expert and bar the Prosecution from presenting his report	Public	1-nov-12
Decision on Defence request to disqualify Patrick Van Der Weijden as an Expert and Bar the Prosecution from presenting his report	Public	9-jan-13
Decision on Defence motion for certification to appeal the decision on forty-fifth motion to admit evidence pursuant to Rule 92bis	Public	30-Jun-15
DECISION ON DEFENCE MOTION TO ADMIT INTO EVIDENCE SUBOTIC AND POPARIC'S EXPERT REPORTS AND RELATED DOCUMENTS	Public	9-jun-16
DECISION ON DEFENCE'S MOTION FOR CERTIFICATION TO APPEAL THE DECISION DENYING THE ADMISSION INTO EVIDENCE OF THE DOCUMENTS BEARING RULE 65 TER NUMBERS 1D05519, 1D05539 AND 1D05563	Public	31-Aug-16
Interim decision regarding the expert reports of Mile Poparic and Zorica Subotic	Public	17-Sep-15

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ANNEX G

Decisions on MAB

DocumentTitle	Confidentiality	SignatureDate
DECISION ON DEFENCE MOTION TO ADMIT INTO EVIDENCE SUBOTIC AND POPARIC'S EXPERT REPORTS AND RELATED DOCUMENTS	Public	9-jun-16
DECISION ON DEFENCE'S NINTH MOTION FOR THE ADMISSION OF DOCUMENTS FROM THE BAR TABLE	Public	21-Apr-16

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ANNEX H

Demography

DocumentTitle	Confidentiality	SignatureDate
Third Defence Case Omnibus Decision	Public	30-Jun-16
Decision on Defence Motion for Certification to Appeal the Third Defence Case Omnibus Decision in relation to Tabeau and Clark	Public	1-Dec-16

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ANNEX I

Forensics

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Prosecution motion to admit evidence from the bar table: SRKand VRS materials related to Siege of Sarajevo and motion to add and admit additional documents	Public	[REDACTED]	30-Jul-13
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Decision on admission of the expert report of Svetlana Radovanovic	Public	[REDACTED]	24-May-16
Decision pursuant to Rule 94bis in relation to proposed Expert Helge Brunborg	Public	[REDACTED]	19-Jul-13
Chamber's Oral Decision T.11597 granting 6 forensic experts		[REDACTED]	24-may-13
All Decisions pertaining to Dusan Janc, Dean Manning, Jean Rene Ruez,		[REDACTED]	

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ANNEX K

Trial Chamber Ignoring Medical Advice on sitting schedule

DocumentTitle	Confidentiality	SignatureDate
Decision on Defence motion seeking adjustment of modalities of trial	Public	13-Mar-13
Decision on second Defence motion seeking adjustment of the trial sitting schedule due to the health concerns of the Accused	Public	12-Jul-13
Invitation to Parties to make submissions in relation to the future trial sitting schedule	Public	6-Feb-14
Decision on the trial sitting schedule	Public	14-Mar-14
Reasons for decision on the future trial sitting schedule	Public	17-Sep-14
Decision on Defence motions for reconsideration and certification to appeal the decision on Defence motion seeking adjustment of the trial schedule	Public	22-Aug-13
Order for medical examination of the accused pursuant to Rule 74 bis	Public	15-Nov-13

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ANNEX L

Decision on Associated Exhibits, premature closing of case, etc

Document Title	Confidentiality	Signature Date
See also Oral Decision T-44313 to 44319	Public	
DECISION ON DEFENCE FURTHER SUBMISSION ON SCHEDULING	Public	20-oct-2016
[REDACTED]	[REDACTED]	[REDACTED]
DECISION ON DEFENCE MOTION FOR RECONSIDERATION OF OR, ALTERNATIVELY, CERTIFICATION TO APPEAL THE DECISION ON CLOSURE OF THE DEFENCE CASE	Public	20-sep-2016
DECISION ON DEFENCE REQUEST FOR REASONED DECISION REGARDING CLOSURE OF DEFENCE CASE	Public	23-aug-16
Decision on Defence motion for stay of proceedings pending appeals	Public	20-Oct-16
Decision on Defence Request for Information Necessary to Ascertain Fairness of Proceedings and Renewed Request for Transparency as to Chambers Staff's Involvement in Chambers' Decisions	Public	18-Aug-16
[REDACTED]	[REDACTED]	[REDACTED]
Decision on Defence motion for certification to appeal decision on motion for a stay of proceedings or a mistrial	Public	21-Oct-16
Decision on Defence Motion for certification to appeal Decision on extension of time to tender sentence-related information	Public	11-Nov-16
DECISION ON DEFENCE MOTION SEEKING RECONSIDERATION OF OR CERTIFICATION TO APPEAL SCHEDULING ORDER	Public	28-sep-16
Scheduling Order	Public	9-sep-2016
Decision on Defence's fourth motion for the admission of documents from the bar table	Public	23-May-16
Decision on Defence Motion for reconsideration of Decision admitting charts of Amor Masovic	Public	19-sep-16
Decision on Defence Request for an Extension of Time	Public	20-sep-16

Decision on Associated Exhibits, premature closing of case, etc

Omnibus decision	Public	22-sep-16
DECISION ON DEFENCE'S SECOND MOTION TO ADMIT DOCUMENTS FROM THE BAR TABLE	Public	22-may-16
DECISION ON DEFENCE'S MOTION FOR PARTIAL RECONSIDERATION OR CERTIFICATION TO APPEAL THE DECISION ON DEFENCE'S SECOND BAR TABLE MOTION	Public	7-jul-16
See, Specifically Oral "Guidance"/Decision of Trial Chamber at T.192-194 and T.319-320 [But issue came up repeatedly and thus the Defence cites the entire Transcript page range as set forth in the Notice for this ground.]	Public	
Decision with regard to Prosecution Motion for admission into evidence of witness Harland's statement and associated documents	Public	3-jul-12
Decision on Prosecution's motion for reconsideration, granting admission from the bar table or certification in relation to decision regarding associated exhibits of Witness Tucker	Public	7-feb-13
Decision on Defence motion to admit the written testimony and associated exhibits of Witness GRM-246	Public	14-jul-15
Decision on admission of remaining documents associated with the Rule 92 ter statement of Desimir Sarenac	Public	15-jul-15
Decision on Defence Rule 92 ter Motion to Admit Exhibits Associated with the Written Testimony of Goran Dragojevic	Public	22-oct-15
Decision on Defence motion to admit the written testimony and associated exhibits of Witness Dragisa Masal pursuant to Rule 92ter	Public	3-nov-15
Decision on admission of remaining documents associated with the Rule 92 ter statement of Jose Cutileiro	Public	14-mar-16
Decision On Motion To Reconsider Decision On Urgent Defence Motions Of 10 November 2017 Or In The Alternative Motion For Certification To Appeal	Public	21-nov-16
Decision on Urgent Defence Motions	Public	10-nov-16
Pronouncement of Judgment despite Medical Emergency of Mr. Mladic and acknowledgement of "NOTICE OF EXCEPTION TO PROCEEDINGS" filed 21 Nov. 2016 listing medical risks of proceeding with hearing	Public	22-nov-16



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ Greffe du MTPI	☐ Arusha/ Arusha	☒ The Hague/ La Haye
From/ De :	☐ Chambers/ Chambre	☒ Defence/ Défense Lukic & Ivetic	☐ Prosecution/ Bureau du Procureur ☐ Other/ Autre :
Case Name/ Affaire :	Prosecutor vs. Ratko Mladic		Case Number/ Affaire n° : MICT-13-56-A
Date Created/ Daté du :	22 March 2018	Date transmitted/ Transmis le :	22 March 2018
		No. of Pages/ Nombre de pages :	100
Original Language / Langue de l'original :	☒ English/ Anglais	☐ French/ Français	☐ Kinyarwanda ☐ B/C/S ☐ Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	NOTICE OF APPEAL OF RATKO MLADIĆ		
Classification Level/ Catégories de classification :	☒ Unclassified/ Non classifié ☒ Confidential/ Confidentiel ☐ Strictly Confidential/ Strictement confidentiel		
	☐ Ex Parte Defence excluded/ Défense exclue ☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu ☐ Ex Parte R86(H) applicant excluded/ Art. 86 H) requérant exclu ☐ Ex Parte Amicus Curiae excluded/ Amicus curiae exclu ☐ Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/préciser) :		
Document type/ Type de document :	☐ Motion/ Requête ☐ Decision/ Décision ☐ Order/ Ordonnance ☐ Judgement/ Jugement/Arrêt		
	☐ Submission from parties/ Écritures déposées par des parties ☐ Submission from non-parties/ Écritures déposées par des tiers ☐ Book of Authorities/ Recueil de sources ☐ Affidavit/ Déclaration sous serment		
	☐ Indictment/ Acte d'accusation ☐ Warrant/ Mandat ☒ Notice of Appeal/ Acte d'appel		

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

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

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