

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 13 May 2020

Original English

BEFORE THE APPEALS CHAMBER

Before: Judge Prisca Matimba Nyambe, Presiding
Judge Aminatta Lois Runeni N’gum
Judge Gberdao Gustave Kam
Judge Seymour Panton
Judge Elizabeth Ibanda-Nahamya

Registrar: Mr. Olufemi Elias

Date: 13 May 2020

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**REGISTRAR’S SUBMISSION IN RESPONSE TO ‘ORDER
SCHEDULING A STATUS CONFERENCE’**

The Office of the Prosecutor:

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

Counsel for Mr. Ratko Mladić:

Mr. Branko Lukić
Mr. Dragan Ivetić

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals and as requested by the Appeals Chamber in its “Order Scheduling a Status Conference” of 11 May 2020,¹ I respectfully file information detailing the means available to Mr. Mladić for privileged communication with his counsel prior to and during the status conference, scheduled to take place on 29 May 2020.
2. On 14 March 2020, in view of the COVID-19 pandemic and the corresponding advice of the World Health Organisation, the European Centre for Disease Control, the Netherlands’ National Institute for Public Health and Environment (*Rijksinstituut voor Volksgezondheid en Milieu - RIVM*) and, in particular, the Netherlands’ Custodial Institutions Agency (*Dienst Justitiële Inrichtingen - DJI*), the United Nations Detention Unit (“UNDU”), in consultation with the UNDU’s Medical Officer, implemented a number of measures in line with those adopted by the Custodial Institutions Agency, aimed at preventing the occurrence of COVID-19 in the UNDU.² One of these measures is the suspension of all social and functional visits, including of counsel, until further notice. Allowing a visitor into the UNDU would not only pose an increased risk to a specific detainee, but to all the detainees, as well as staff, not only of the UNDU but also of the adjacent detention centres of the International Criminal Court and the Kosovo Specialist Chambers.
3. At this stage, the UNDU is unable to predict the potential easing of these measures. It is noted in this regard that in the event of an easing of the restrictions by, for example, the Netherlands’ Custodial Institutions Agency, due consideration must be given to the specific requirements of the UNDU and its population, which is vulnerable and evidently at an increased risk, *inter alia*, in view of the detainees’ advanced age and medical histories of particular detainees. In other words, the restrictions in the UNDU may have to remain in place for a longer period of time than in the Netherlands generally or in other remand centres.
4. Hence, while it is currently not possible for detainees to meet with their counsel in person, they may have privileged communications with counsel via telephone. For this purpose and so as to provide an environment more conducive to a ‘working meeting’,

¹ *Prosecutor v. Mladić*, Case No. MICT-13-56-A (“*Mladić*”), Order Scheduling a Status Conference, public, 11 May 2020.

² These measures were also discussed and agreed on with the International Criminal Court and the Kosovo Specialist Chambers, whose detention centres are located in the same building as the UNDU.

the UNDU has installed a hands-free telephone set and a desk in one of its visit rooms. Detainees and counsel were advised of this possibility in communications from the UNDU's Commanding Officer, dated 13 March and 16 March 2020, respectively. Mr. Mladić has already made use of this option.

5. As regards privileged communications during the status conference on 29 May 2020, arrangements can be made for Mr. Mladić to attend the status conference via video link from the UNDU, with counsel being present in the courtroom. Counsel and Mr. Mladić will have access to a direct and dedicated telephone line for privileged communications between them during the status conference.
6. Due to the risk of COVID-19, certain additional measures will have to be put in place in connection with the status conference, including possibly limiting the number of persons present in the courtroom to ensure physical distancing. I propose that consultations between relevant staff in Chambers and Registry be held on a working level in this regard. Once appropriate arrangements have been agreed on, these could be communicated to the parties and relevant sections.
7. The above information might also be relevant in relation to the appeals hearing scheduled for 16 and 17 June 2020.³ The Registry will provide additional observations regarding practical, logistical and technical matters of relevance to this hearing as soon as possible.
8. The Registry remains available should the Appeals Chamber require further information.

Respectfully submitted,


Olufemi Elias
Registrar

Done this 13th day of May 2020
At The Hague,
The Netherlands.

³ *Mladić*, Second Order Scheduling the Hearing of the Appeals, public, 1 May 2020 ("Second Order"). The Registry notes that according to the Second Order, the appeals hearing "shall take place [...] on 16 and 17 June 2020 [...], subject to change should coronavirus pandemic-related restrictions inhibit the necessary travel or the holding of the hearing for other reasons".



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ <i>Greffe du MIFRTP</i>		<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input type="checkbox"/> President / <i>Président</i>	<input type="checkbox"/> Chambers / <i>Chambre</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>	<input type="checkbox"/> Defence / <i>Défense</i>
	<input checked="" type="checkbox"/> Registrar / <i>Greffier</i>	<input type="checkbox"/> Other/ <i>Autre</i>		
Case Name/ Affaire :	Mladic		Case Number/ Affaire n° :	MICT-13-56-A
Date Created/ Daté du :	13 May 2020	Date transmitted/ Transmis le :	13 May 2020	No. of Pages/ Nombre de pages : 3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	Registrar's submission in response to 'Order Scheduling a Status Conference'			
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>		
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>		
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>		
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>		
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser)		
Document type/ Type de document :				
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>	
<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>	
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input checked="" type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>		

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

<input checked="" type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>				
<input type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>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)</i>				
<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre(specify/préciser) :
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>				
Original/ Original en	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
Translation/ Traduction en	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>				
<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :

Send completed transmission sheet to/ *Veuillez soumettre cette fiche dûment remplie à :*

JudicialFilingsArusha@un.org OR/ OU JudicialFilingsHague@un.org

Rev: August 2019/ *Rév. : Août 2019*