

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-13-56-A

Date: 9 March 2018

Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Olufemi Elias

Decision of: 9 March 2018

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON A FURTHER MOTION FOR AN EXTENSION OF
TIME TO FILE A NOTICE OF APPEAL**

The Office of the Prosecutor:

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

Counsel for Mr. Ratko Mladić:

Mr. Branko Lukić
Mr. Dragan Ivetić

I, THEODOR MERON, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Pre-Appeal Judge in this case;¹

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

RECALLING the decision filed on 21 December 2017, in which Mr. Ratko Mladić (“Mladić”) and the Office of the Prosecutor of the Mechanism (“Prosecution”) were granted an extension of 90 days to file their respective notices of appeal against the Trial Judgement;³

BEING SEISED OF a confidential motion, filed on 23 February 2018, in which Mladić requests, *inter alia*, a further 30 to 90-day extension to file his notice of appeal, based on the lack of adequate defence funding as well as the “unprecedented work” required to address his “urgent medical health”;⁴

NOTING the response filed confidentially on 5 March 2018, wherein the Prosecution submits that it takes no position with respect to the Motion, and that, in the case a further extension is granted, this should apply to both parties;⁵

RECALLING that, pursuant to Rule 133 of the Rules of Procedure and Evidence of the Mechanism (“Rules”), parties seeking to appeal a trial judgement are to file a notice of appeal no later than 30 days from the date on which the written judgement was filed;

RECALLING that, pursuant to Rule 154 of the Rules, the time limits prescribed in the Rules may be enlarged on good cause being shown;

¹ Order Assigning Judges to a Case Before the Appeals Chamber, 19 December 2017; Order Assigning a Pre-Appeal Judge, 20 December 2017.

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

³ Decision on Motion for Extension of Time to File Notice of Appeal, 21 December 2017 (“Decision of 21 December 2017”), p. 2. *See also* Defence Motion for Extension of Time to File Notice of Appeal, 18 December 2017; Prosecution Response to Defence Motion for Extension of Time to File Notice of Appeal, 19 December 2017.

⁴ Urgent Defence Request for Review of Registrar’s Rejection to Provide Sufficient Funding for Appeal Phase I and Concurrent Motion for Enlargement of Time to File The Notice of Appeal, 23 February 2018 (confidential with confidential and *ex parte* annexes) (“Motion”), paras. 5, 16-18, p. 8. I note that Mladić simultaneously requests that the President review the Registrar’s decision on funding of 19 January 2018. *See* Motion, paras. 1, 4-15, p. 8. *See also* Reply to Registrar’s Submission Regarding Ratko Mladić’s Request for Review of Registrar Decision of 19 January 2018, 2 March 2018 (confidential), para. 10. That request will be addressed in a separate decision issued in my capacity as President of the Mechanism.

⁵ Prosecution Response to Defence Motion for Further Extension of Time to File Notice of Appeal, 5 March 2018 (confidential), para. 1.

CONSIDERING the need to weigh carefully the interests in safeguarding expeditious proceedings before the Mechanism and allowing sufficient time for the parties to prepare their respective cases;

RECALLING that the filing of a notice of appeal marks the commencement of the appeal proceedings in a case, and, since the time limits for the filing of subsequent briefs are calculated from the date on which the notice of appeal is filed, any delay at such an early stage will affect subsequent filings;⁶

RECALLING FURTHER that parties may have the opportunity, after the filing of the notice of appeal, to request variation of their grounds of appeal provided that they show good cause under Rule 133 of the Rules;⁷

CONSIDERING Mladić's submission that a further extension of time is required to prepare his notice of appeal given his lack of resources and the amount of work required in relation to pending and future filings concerning his health;⁸

RECALLING that Mladić's arguments regarding "the lack of defence resources" and "intended medical and legal filings" were considered in granting Mladić the extension of 90 days to file his notice of appeal in the Decision of 21 December 2017;⁹

CONSIDERING therefore that the grounds Mladić adduces as basis for his present request were already taken into account in the Decision of 21 December 2017;

FINDING, therefore, that Mladić has not demonstrated good cause for granting a further extension of the time provided for in Rule 133 of the Rules in which any notices of appeal from the Trial Judgement must be filed;

HEREBY DISMISS the Motion, as it relates to the extension of time.

⁶ See, e.g., *Pauline Nyiramasuhuko et al. v. The Prosecutor*, Case No. ICTR-98-42-A, Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 25 July 2011, para. 5 and references cited therein.

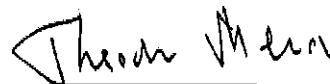
⁷ See also *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-A, Decision on Motions for Extension of Time to File Notices of Appeal, 23 March 2009, p. 3.

⁸ Motion, paras. 16-18.

⁹ Decision of 21 December 2017, p. 1, n. 7, referring to, *inter alia*, Defence Reply in Support of Motion for Extension of Time to File Notice of Appeal, 20 December 2017, para. 6.

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

Done this 9th day of March 2018,
At The Hague,
The Netherlands



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Mechanism]



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Rev: April 2014/Rév. : Avril 2014