

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-13-56-A

Date: 21 December 2017

Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Olufemi Elias

Decision of: 21 December 2017

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON MOTION FOR EXTENSION OF TIME
TO FILE 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

BEING SEISED OF the “Defence Motion for Extension of Time to File Notice of Appeal”, filed on 18 December 2017 (“Motion”), in which Mr. Ratko Mladić (“Mladić”) requests a 150-day extension of time to file his notice of appeal against the Trial Judgement;³

NOTING the response, filed on 19 December 2017, wherein the Prosecution submits that the breadth and complexity of the case warrant an extension of time but that the requested 150-day extension is excessive;⁴

NOTING the Prosecution’s further submission that, if an extension is granted, it should apply to both parties to facilitate a “synchronised briefing process”;⁵

NOTING the reply, filed on 20 December 2017, wherein Mladić agrees with the Prosecution’s request for a synchronised briefing and reiterates his request for a 150-day extension;⁶

CONSIDERING 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;

NOTING Mladić’s submission that good cause exists for granting the requested extension in light of, *inter alia*, the extraordinary breadth and complexity of the proceedings, the lack of defence resources, intended medical and legal filings, and the length of the Trial Judgement;⁷

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 Motion, paras. 3-25. It is noted that Mladić submits that, at a minimum, he should be afforded 120 days to file his notice of appeal, amounting to a 90-day extension of the 30-day time limit for the filing of a notice of appeal. *See* Motion, paras. 15, 16.

⁴ Prosecution Response to Defence Motion for Extension of Time to File Notice of Appeal, 19 December 2017 (“Response”), paras. 1, 2.

⁵ Response, para. 3.

⁶ Defence Reply in Support of Motion for Extension of Time to File Notice of Appeal, 20 December 2017 (“Reply”), paras. 5-8.

CONSIDERING the length of the Trial Judgement and the significant complexity of this case;⁸

CONSIDERING FURTHER that it is in the interests of justice to ensure that parties have sufficient time to prepare meaningful notices of appeal in full conformity with the applicable provisions;

FINDING, therefore, that good cause exists for granting an 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;

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;

CONSIDERING that some of the reasons justifying a time extension to file Mladić's notice of appeal also apply to the Prosecution and that a synchronised schedule for filing any notices of appeal in this case will facilitate effective case management and is, therefore, in the interests of justice;

FINDING that granting the parties an extension of 90 days beyond the time provided for in Rule 133 of the Rules is justified in the circumstances of this case;⁹

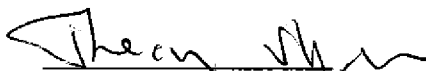
HEREBY GRANT the Motion in part;

ORDER that any notices of appeal in this case be filed within 120 days of the issuance of the Trial Judgement and, therefore, no later than Thursday, 22 March 2018;

DISMISS the remainder of the Motion.

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

Done this 21st day of December 2017,
At The Hague,
The Netherlands


Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Mechanism]

⁷ Motion, paras. 2-15; Reply, para. 6.

⁸ It is noted that the Trial Judgement is 2,541 pages long, including annexes. Additionally, the Trial Chamber: (i) heard or received evidence of 592 witnesses; (ii) admitted 9,914 exhibits; and (iii) took judicial notice of approximately 2,000 adjudicated facts. See Trial Judgement, paras. 16, 5251, 5256, 5262.

⁹ Cf. *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Decision on Motion for Extension of Time to File Notice of Appeal, 21 April 2016, p. 2; *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Decision on Motion for a Further Extension of Time to File a Notice of Appeal, 15 June 2016, pp. 3, 4.