

**UNITED  
NATIONS**



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
Former Yugoslavia since 1991

Case No. IT-09-92-T  
Date: 20 October 2016  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Bakone Justice Moloto  
Judge Christoph Flügge

**Registrar:** Mr John Hocking

**Decision of:** 20 October 2016

**PROSECUTOR**

**v.**

**RATKO MLADIĆ**

***PUBLIC***

**DECISION ON DEFENCE FURTHER  
SUBMISSION ON SCHEDULING**

**Office of the Prosecutor**  
Mr Peter McCloskey  
Mr Alan Tieger

**Counsel for Ratko Mladić**  
Mr Branko Lukić  
Mr Miodrag Stojanović

**TRIAL CHAMBER I** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Chamber” and “Tribunal”, respectively);

**NOTING** that on 9 September 2016, the Chamber issued a Scheduling Order, ordering that final trial briefs be filed by 25 October 2016 and that closing arguments commence 5 December 2016;<sup>1</sup>

**NOTING** that on 28 September 2016, the Chamber denied a Defence request to reconsider the Scheduling Order and granted a Defence request for certification to appeal the Scheduling Order;<sup>2</sup>

**NOTING** that on 5 October 2016, the Defence appealed the Scheduling Order, requesting, *inter alia*, that the Appeals Chamber extend the deadline for the filing of final trial briefs to 12 January 2017 and set the commencement of closing arguments for five weeks thereafter;<sup>3</sup>

**NOTING** that on 14 October 2016, the Defence emailed the Chamber and the Prosecution regarding its ability to meet the deadlines set by the Chamber, and that the Chamber responded by email the same day, advising that, as the matter had been litigated and continued to be litigated before the Appeals Chamber, the Defence should make such submissions on the record so that the Prosecution could respond and the matter could be properly considered;

**NOTING** that on 17 October 2016, the Defence filed a motion (“Further Motion”), making submissions with respect to its ability to meet the deadlines set by the Chamber and requesting that the Chamber extend the deadline for the filing of final trial briefs to 7 December 2016 and set the commencement of closing arguments for 12 January 2017;<sup>4</sup>

**NOTING** that on 17 October 2016, the Prosecution responded;<sup>5</sup>

<sup>1</sup> Scheduling Order, 9 September 2016, pp. 3-4.

<sup>2</sup> Decision on Defence Motion Seeking Reconsideration of or Certification to Appeal Scheduling Order, 28 September 2016, para. 13. *See also* Motion for Reconsideration or, in the Alternative, Certification to Appeal Chamber’s Disregard of Defence Further Submissions in Support of “Defence Motion Requesting 7 December 2016 for the Final Brief and 12 January 2017 for Closing Arguments”, 16 September 2016 (Confidential).

<sup>3</sup> *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR73.7, Interlocutory Appeal Brief Challenging the Decision of the Trial Chamber on the Defence Motion Regarding Scheduling Order (Public with Confidential Annex and Public Redacted Annex), 5 October 2016, para. 55.

<sup>4</sup> Defence Further Submission on Scheduling, 17 October 2016.

<sup>5</sup> Prosecution Response to Defence Further Submission on Scheduling, 17 October 2016.

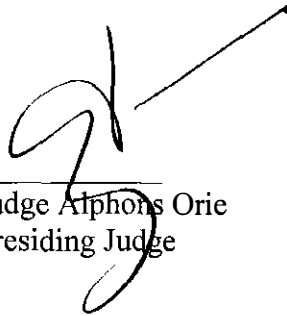
**CONSIDERING** that the fairness of the deadline for the filing of final trial briefs and the commencement of closing arguments is an issue currently before the Appeals Chamber;

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rule 54 of the Tribunal's Rules of Procedure and Evidence

**DISMISSES** the Further Motion.

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



Judge Alphons Orié  
Presiding Judge

Dated this twentieth day of October 2016  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**