



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;¹

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;²

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;³

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;⁴

NOTING that on 17 October 2016, the Prosecution responded;⁵

¹ Scheduling Order, 9 September 2016, pp. 3-4.

² 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).

³ *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.

⁴ Defence Further Submission on Scheduling, 17 October 2016.

⁵ Prosecution Response to Defence Further Submission on Scheduling, 17 October 2016.

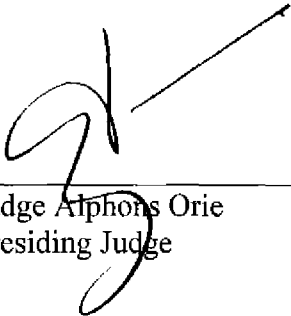
CONSIDERING that the fairness of the deadline for the filing of final trial briefs and the commencement of closing arguments is an issue currently before the Appeals Chamber;

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]