

THE RESIDUAL MECHANISM FOR
INTERNATIONAL CRIMINAL TRIBUNALS

CASE No. MICT-13-55-A

THE PRESIDENT

Before: Judge Theodor Meron

Registrar: Mr. John Hocking

Date: 25 March 2016

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

REQUEST FOR STATUS CONFERENCE

The Office of the Prosecutor:
Mr. Serge Brammertz

Counsel for Radovan Karadzic:
Mr. Peter Robinson

1. Dr. Radovan Karadzic intends to appeal the judgement issued by the ICTY Trial Chamber in his case on 24 March 2016.

2. He respectfully requests, pursuant to Rules 55 and 69, that the President assign an Appeals Chamber to this case, and that the Pre-Appeal Judge convene a status conference to discuss issues in relation to the appeal as well as Dr. Karadzic's mental and physical condition.

3. Rule 69 provides, in pertinent part, that:

(B) The Appeals Chamber or an Appeals Chamber Judge shall convene a status conference, within one hundred and twenty days of the filing of a notice of appeal and thereafter within one hundred and twenty days after the last status conference, to allow any person in custody pending appeal the opportunity to raise issues in relation thereto, including the mental and physical condition of that person.

4. While Rule 69 provides for a status conference only after the filing of a notice of appeal, Rule 55 provides that:

At the request of either Party or proprio motu, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants, and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.¹

5. When read together, Rules 55 and 69 authorise the Appeals Chamber to hold a status conference prior to the filing of a notice of appeal.

6. The Trial Chamber refused to hold regular status conferences in Dr. Karadzic's case, erroneously reasoning that the placement of ICTY Rule 65 *bis* in the section pertaining to Pre-Trial proceedings did not require that status conferences be held during the lengthy period that it deliberated on the trial judgement.² Therefore, Dr. Karadzic's last opportunity to address a court on matters relating to his health was about six months ago, on 29 September 2015, shortly after he had emergency gall-bladder surgery.

7. In addition to matters relating to Dr. Karadzic's health, the fair and expeditious hearing of the appeal in this case would be advanced by an early and robust discussion of issues related to adequate time and facilities for the preparation of the appeal.

¹ This rule applies *mutatis mutandis* to appeals. *Prosecutor v Krstic*, No. IT-98-33-A, *Decision on Application for Subpoenas* (1 July 2003) at para. 2

² *Prosecutor v Karadzic*, No. IT-95-5/18-T, *Decision on Accused's Request for Status Conference* (11 June 2014) at para. 4

8. The trial judgement in this case runs to 2588 pages, a judgement of unprecedented length in a case of unprecedented breadth. It will likely not be possible for Dr. Karadzic to comply with Rule 133’s thirty-day time period for filing of a notice of appeal. Therefore, a discussion of, and agreement to, a realistic timetable for the filing of the notice of appeal would promote the management of this case and avoid multiple requests for extensions of time and uncertainty related thereto.

9. Dr. Karadzic also observes that issues of funding of his appeal by the Mechanism may significantly hinder his ability to comply with the time frame envisioned by the Rules. The insufficient amount of legal aid set by the *Remuneration Policy for Persons Representing Indigent Accused in Appeals Proceedings before the Mechanism for International Criminal Tribunals* (21 March 2016), as well as the Registrar’s intention to require a financial contribution from Dr. Karadzic that he is unable to make, has rendered Dr. Karadzic’s counsel without funds to form a defence team.³

10. While there is a formal process for resolving disputes over legal aid, these procedures take time. A proactive approach by the Appeals Chamber, while not required, would promote the management of the case and possibly avoid litigation that would delay and distract the Chamber and the parties from the substantive issues of the appeal.

11. For any and all of these reasons, Dr. Karadzic respectfully requests that the President assign an Appeals Chamber to his case and that the Pre-Appeal Judge hold a status conference at the earliest opportunity.⁴

Word count: 762

Respectfully submitted,



PETER ROBINSON

Counsel for Radovan Karadzic

³ Detailed submissions on this issue will be provided to the Pre-Appeal Judge if a status conference is granted.

⁴ Lead Counsel will not be in The Hague from 7-17 April but is available before or after that period.