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Mechanism for  
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Mécanisme pour les  
Tribunaux Pénaux  
Internationaux

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<b>CASE/AFFAIRE NO.</b>	MICT-13-52-R.1 LUKIC & LUKIC (REVIEW)		<b>DATE</b> 04/08/2015
<b>FROM/DE</b>	CARLINE AMEERALI, HEAD, COURTROOM OPERATIONS		
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<b>TO/A</b>	<p><b>President's Office/ <i>Président</i>:</b></p> <p><b>Appeals Chamber/ <i>Chambre d'appel</i>:</b> Judge Meron, Judge Antonetti, Judge W. Sekule, Judge Agius, Judge Liu</p> <p><b>Senior Legal Officer/ <i>Juriste hors-classe</i>:</b></p> <p><b>Prosecutor MICT:</b> Mr. H. Jallow</p> <p><b>Prosecutor Team MICT:</b></p> <p><b>Defense Counsel/ <i>Conseil de la Défense</i>:</b> R. Dixon</p> <p><b>Registrar/ <i>Greffier</i>:</b> Mr. J. Hocking</p> <p><b>OLAD:</b></p> <p><b>Communication Services/ <i>Service Communication</i>:</b></p> <p><b>Courtroom Operations/ <i>Opérations en salle d'audience</i>:</b> Ms. Carline Ameerali</p> <p><b>Judicial Records Unit/ <i>Service des dossiers judiciaires</i>:</b> Mr. S.R. Haider</p> <p><b>MICT Arusha Registry:</b></p>		
<b>PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT</b>	<p><b>First part of the dissenting opinion of Judge Jean-Claude Antonetti to the Decision of 7 July 2015, submitted by Judge on 20 July 2015</b></p>		

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Mechanism for  
Criminal Tribunals International

Case no.: MICT-13-52-R.1

Date: 20 July 2015

Original: FRENCH

**IN THE BENCH**

**Before:** Judge Theodor Meron, Presiding  
Judge Jean-Claude Antonetti  
Judge William Hussein Sekule  
Judge Carmel Agius  
Judge Liu Daqun

**Registrar:** Mr John Hocking

**Order of:** 20 July 2015

*In the proceedings of*

**THE PROSECUTOR**

v.

**MILAN LUKIĆ**

**PUBLIC DOCUMENT**

**FIRST PART OF THE DISSENTING OPINION OF JUDGE JEAN-CLAUDE  
ANTONETTI TO THE DECISION OF 7 JULY 2015**

**Office of the Prosecutor:**

Mr Hassan Bubacar Jallow, Prosecutor

**Counsel for the Accused:**

Mr Rodney Dixon

The majority of the review Chamber has decided to dismiss the request filed by the convicted person **Milan Lukić**. As I am dissenting, I will endeavour to file my opinion as soon as possible.

Milan Lukić submitted his request for review on **6 February 2014** and a decision was rendered on **7 July 2015**. Juxtaposing these two dates could make it seem that the judges had ample time within which to deal with this case. Unfortunately, because of the cases pending before the ICTY and the *Mechanism for International Criminal Tribunals* the judges were only able to take up their positions once a draft text was submitted to them for consideration. The said draft text was submitted on **21 May 2015**.

I was unable to attach my opinion to the decision due to the fact that the majority wished to render this decision as quickly as possible.

As I profoundly disagree with the procedure followed, I must explain the reasons for my dissent on both this procedure and on the merits.

In regard to the procedure followed, I deem it is necessary to hear both the applicant and the witnesses named in support of his request.

The applicant disputes his presence at the scenes of the crimes. As a **judge with integrity**, I must review all of the written proceedings before the Trial Chamber and the Appeals Chamber, which is a considerable task in view of all of the transcripts and other documents... This work must be done since it is an integral part of the oath I took as a judge, and it is the reason why I will be issuing the second part of my opinion as soon as possible.

I am attaching the following outline to this first part:

- 1. The compatibility of Rule 146 of the Rules of Procedure and Evidence with the Statute**
- 2. The presence of a judge who has already ruled**
- 3. "The new fact"**
- 4. The scope of authority of the review panel: judgement, appeals judgement or both?**
- 5. The guilty verdict issued against Milan Lukić**

**6. The Prosecution witnesses**

**7. The alibi witnesses**

- *before the Trial Chamber*
- *before the Appeals Chamber*
- *before the panel*

**8. Exhibit 1D00025**

**9. The weight of the testimony**

**10. Annex 7 of the review submission**

**11. The pre-review proceedings**

- *examination of the applicant by the panel*
- *examination of the witnesses who could establish the new fact*

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

*/signed/*

\_\_\_\_\_  
Judge Jean-Claude Antonetti

Done this twentieth day of July 2015

The Hague  
Netherlands

**[Seal of the Tribunal]**