

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-A

Date: 18 June 2018

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Liu Daqun
Judge Prisca Matimba Nyambe
Judge Seymour Panton

Registrar: Mr. Olufemi Elias

Decision of: 18 June 2018

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON THREE MOTIONS TO DISQUALIFY JUDGES
OF THE APPEALS CHAMBER FOR ACTUAL OR APPARENT BIAS**

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

THE APPEALS CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively);¹

NOTING that Ratko Mladić (“Mladić”) and the Office of the Prosecutor of the Mechanism (“Prosecution”) have appealed² the judgement issued in this case by Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia, on 22 November 2017;³

BEING SEISED OF three motions, filed on 12 June 2018, wherein Mladić requests, pursuant to Rule 18 of the Rules of Procedure and Evidence of the Mechanism (“Rules”): (i) the voluntary withdrawal or the disqualification of Judges Theodor Meron, Liu Daqun, and Carmel Agius from hearing the appeal in his case on the basis of actual or apparent bias; and (ii) the appointment of impartial judges in their place to hear the appeal;⁴

NOTING that the Prosecution has not yet filed a response to the Motions;⁵

NOTING that Rule 18(B) of the Rules provides that an application for the disqualification and withdrawal of a Judge from a proceeding on the basis of alleged personal interest or lack of impartiality may be made before the President of the Mechanism;⁶

RECALLING that Mladić filed the Motions before the Appeals Chamber;

CONSIDERING that Rule 18 of the Rules does not provide for motions brought under it to be filed before the Appeals Chamber;

FINDING, therefore, that the Appeals Chamber lacks the capacity to consider the Motions;

FOR THE FOREGOING REASONS,

HEREBY DISMISSES the Motions in their entirety without prejudice to their being filed in accordance with procedures set out under Rule 18(B) of the Rules.

¹ Order Assigning Judges to a Case Before the Appeals Chamber, 19 December 2017, p. 1.

² Notice of Appeal of Ratko Mladić, 22 March 2018 (public with public and confidential annexes); Prosecution’s Notice of Appeal, 22 March 2018.

³ *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgement, 22 November 2017 (public with confidential annex) (“Trial Judgement”).

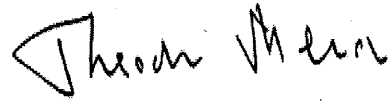
⁴ Defence Motion Respectfully Seeking the Disqualification of Judge Theodor Meron for Actual or Apparent Bias, 12 June 2018, paras. 1, 22, 23, p. 9; Defence Motion Respectfully Seeking the Disqualification of Judge Liu Daqun for Actual or Apparent Bias, 12 June 2018, paras. 1, 19, 20, p. 8; Defence Motion Respectfully Seeking the Disqualification of Judge Carmel Agius for Actual or Apparent Bias, 12 June 2018, paras. 1, 23, 24, p. 10 (collectively, “Motions”).

⁵ In view of the disposition, the Appeals Chamber considers that awaiting the conclusion of the briefing in this matter is not necessary as the parties will not be prejudiced by the present decision.

⁶ See Rule 18(B)(i) of the Rules.

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

Done this 18th day of June 2018,
At The Hague,
The Netherlands



Judge Theodor Meron
Presiding Judge

[Seal of the Mechanism]



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