

IT-03-67-T  
D15872-D15870  
29 NOVEMBER 2006

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**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-03-67-PT  
Date: 29 November 2006  
Original: English

**BEFORE THE PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL**

**Before: Judge Pocar Fausto, President**

**Registrar: Mr. Hans Holthuis**

**Decision of: 29 November 2006**

**THE PROSECUTOR**

**v.**

**Vojislav ŠEŠELJ**

**CONFIDENTIAL AND *EX PARTE***

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**ORDER TO THE REGISTRAR**

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**The Registrar:**

Mr. Hans Holthuis

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**I, FAUSTO POCAR**, President 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 (“International Tribunal”),

**NOTING** the advice of the Registrar that the accused Mr. Vojislav Šešelj has been refusing food offered to him by the staff of the United Nations Detention Unit (“UNDU”), since 11 November 2006 and has refused to be medically assessed by the doctor responsible for the welfare of detainees at the UNDU since that time;

**NOTING** that the Registrar has informed me that he has sufficient mechanisms in place in the UNDU to provide medical assistance to Mr. Šešelj should that assistance be deemed necessary and that the doctor assigned to care for the welfare of Tribunal detainees at the UNDU has advised the Registrar that he will administer medical assistance to Mr. Šešelj as and when necessary;

**CONSIDERING** that no medical assessment has been made of Mr. Šešelj’s condition since 11 November 2006 due to Mr. Šešelj’s constant and unwavering refusal, and that the doctor of the UNDU is unable to provide an accurate assessment of Mr. Šešelj’s condition;

**NOTING** the advice of the Deputy Registrar that Mr. Šešelj has been advised pursuant to Rule 31(A) of the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal (“Rules of Detention”) that he may consult a doctor of his own choice and that the Tribunal would exceptionally cover the expense of that consultation;

**NOTING** that Mr. Šešelj has informed the Deputy Registrar that he does not currently wish to be seen by any doctor, but that he may at some future time be willing to consult a doctor of Serbian, French and or Russian nationality and in any case will not see a Dutch doctor;

**HEREBY ORDER** the Registrar to immediately identify a doctor of Serbian, French and or Russian nationality or any other doctor not of Dutch nationality, and to arrange within 24 hours for one or more of those doctors to conduct a immediate medical assessment of Mr. Šešelj at the UNDU and to immediately advise me of the results of that medical examination following that consultation, which should include an assessment as to whether immediate hospitalisation outside the facility of the UNDU is necessary;

And if Mr. Šešelj refuses the above medical consultation **HEREBY ORDER**, pursuant to Rule 35(C) of the Rules of Detention, the immediate transfer of Mr. Šešelj to a hospital facility outside of the UNDU;

And **HEREBY ORDER** the Registrar to take any other necessary action as required.

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

Done this 29th day of November 2006,  
At The Hague,  
The Netherlands.



Judge Fausto Pocar  
President

**[Seal of the International Tribunal]**