

**UNITED
NATIONS**

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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-04-75-T
Date: 9 April 2015
Original: English

IN THE TRIAL CHAMBER

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. John Hocking

Decision: 9 April 2015

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**DECISION ON REQUEST FOR RECLASSIFICATION OF EXPERT MEDICAL
REPORTS**

The Office of the Prosecutor:

Mr. Douglas Stringer

Counsel for Goran Hadžić:

Mr. Zoran Živanović

Mr. Christopher Gosnell

TRIAL CHAMBER II 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);

BEING SEISED OF the “Request for Reclassification of Expert Medical Reports”, filed confidentially on 23 March 2015 (“Motion”) in which the Defence requests that the expert medical reports filed by the Deputy Registrar on 13 February 2015¹ be reclassified as public because the experts have testified publicly and the only basis for maintaining confidentially is Hadžić’s privacy interest, which he now waives;

NOTING the “Deputy Registrar’s Submission in Relation to the Request for Reclassification of Expert Medical Reports”, filed confidentially on 26 March 2015 (“Registry Submission”), in which the Deputy Registrar does not oppose the request for reclassification, provided that certain redactions are made;²

NOTING the “Urgent Request for Expedited Determination of ‘Request for Reclassification of Expert Medical Reports’”, filed confidentially on 7 April 2015 in which the Defence does not object to the Deputy Registrar’s requested redactions;

NOTING that the Prosecution did not file a response;

CONSIDERING that proceedings before the Tribunal shall be public unless there are exceptional reasons for keeping them confidential;³

CONSIDERING that the experts have testified publicly;⁴

FINDS that there are no exceptional reasons for keeping the expert medical reports confidential;

PURSUANT to Rules 54 and 78 of the Rules hereby:

GRANTS the Motion; and

¹ Deputy Registrar’s Submission of Reports of Medical Experts (confidential), 13 February 2015.

² Registry Submission, confidential Annex.


³ Rule 78 of the Tribunal’s Rules of Procedure and Evidence (“Rules”); *Prosecutor v. Milan Lukić and Sredoje Lukić*, IT-98-32/1-AR65.1, Decision of Defence Appeal Against Trial Chamber’s Decision on Sredoje Lukić’s Motion for Provisional Release, 16 April 2007, fn. 2.

⁴ The experts, Dr. Cras and Dr. Seute, testified on 25 and 26 February 2015, respectively. Dr. Cras’s testimony was made public in the “Decision on Defence Request for Reclassification of Filings Related to Hadžić’s Health Condition as Public and Prosecution Motion for Reclassification of Testimony as Public”, 13 March 2015, para 7(f). Dr. Seute testified publicly.

INSTRUCTS the Registry to file a public redacted version of the “Deputy Registrar’s Submission of Reports of Medical Experts”, 13 February 2015, as annexed to the Registry Submission.

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

Done this ninth day of April 2015,
At The Hague,
The Netherlands.



Judge Guy Delvoic
Presiding

[Seal of the Tribunal]