

**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-04-75-T

Date: 6 July 2016

Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Order: 6 July 2016

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**ORDER FOR APPOINTMENT OF MEDICAL EXPERT AND FURTHER
MEDICAL EXAMINATION**

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 (“Trial Chamber” and “Tribunal”, respectively);

NOTING that, on 24 March 2016, the Trial Chamber issued its “Decision on Remand on the Continuation of Proceedings” (“Decision on Remand”), in which it, Judge Mindua dissenting, ordered an indefinite stay of proceedings as it more adequately serves the interests of justice and is in line with the practice of the Tribunal;¹

NOTING that, on 17 June 2016, the Trial Chamber issued its “Decision on Prosecution Motion for Formal Termination of the Proceedings” (“Decision on Formal Request for Termination”), in which it denied requests by the Prosecution and Defence to formally terminate the proceedings;²

CONSIDERING that, in relation to the Defence’s request for the termination of proceedings on the basis of Hadžić’s current state of health, the Trial Chamber noted the most recent RMO Reports³ provide no new information that changes the general picture of Hadžić’s health condition from the time the Decision on Remand was issued;⁴

CONSIDERING that the Trial Chamber would benefit from receiving additional information on the current state of Hadžić’s health from an independent neuro-oncologist before it further considers what course the future of these proceedings should take;

CONSIDERING that the Trial Chamber last heard from Dr. Pol Specenier, a Tribunal-appointed, independent neuro-oncologist, regarding Hadžić’s health on 21 August 2015;⁵

PURSUANT to Rules 33(B), 54, and 74 *bis* of the Tribunal’s Rules of Procedure and Evidence, hereby, *proprio motu*:

- (a) **ORDERS** the Registry to appoint an independent neuro-oncologist, preferably Dr. Pol Specenier;

¹ Decision on Remand, paras 30, 31. The public redacted version of this decision was filed on 5 April 2016.

² Decision on Formal Request for Termination, paras 11-12, 14. The Trial Chamber notes that the Prosecution and Defence have requested certification to appeal the Decision on Formal Request for Termination. *See* Prosecution Request for Certification to Appeal Decision on the Formal Termination of Proceedings, 23 June 2016; Request for Certification to Appeal Decision on Prosecution Motion for Formal Termination of the Proceedings, 24 June 2016. *See also*, Decision on Requests for Certification to Appeal Decision on Prosecution Motion for Formal Termination of the Proceedings, 6 July 2016. For a full procedural history see Consolidated Decision on the Continuation of Proceedings, 26 October 2015, paras 6-11 and Decision on Formal Request for Termination, paras 2-5.

³ The Trial Chamber receives information on Hadžić’s health every two weeks, as relayed by his wife and members of Hadžić’s treating team in Serbia to the Reporting Medical Officer of the United Nations Detention Unit (“RMO Reports”).


⁴ Decision on Formal Request for Termination, para. 12.

⁵ Consolidated Decision on the Continuation of Proceedings, 26 October 2015, para. 10.

- (b) **REQUESTS** that the independent neuro-oncologist travel to Serbia to carry out such examinations as he or she deems necessary in order to update the Trial Chamber on Hadžić's health and submit, as early as practicable, a report memorialising his or her findings;
- (c) **INSTRUCTS** the Registry to make available to the independent neuro-oncologist, via the relevant medical personnel, Hadžić's medical records as necessary to prepare a written report;
- (d) **INSTRUCTS** the Registry to provide, as early as practicable, a written submission indicating the earliest possible date for the neuro-oncologist to examine Hadžić in Serbia and submit a report; and
- (e) **INSTRUCTS** the Registry to take all necessary measures to implement this order.

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

Done this sixth day of July 2016,
At The Hague,
The Netherlands.



Judge Guy Delvoie
Presiding

[Seal of the Tribunal]