



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-T
Date: 19 October 2010
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr John Hocking

Order of: 19 October 2010

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

**ORDER TO CONDUCT A FRESH EXPERT MEDICAL EVALUATION OF
VOJISLAV ŠEŠELJ**

The Office of the Prosecutor

Mr Mathias Marcussen

The Accused

Mr Vojislav Šešelj

TRIAL CHAMBER III (“Chamber”) 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 (“Tribunal”);

PROPRIO MOTU,

NOTING Rule 54 of the Rules of Procedure and Evidence of the Tribunal (“Rules”),

NOTING the “Order to Conduct Expert Medical Evaluation of Vojislav Šešelj” (“Accused”), filed confidentially on 30 July 2010 (“Order of 30 July 2010”),

NOTING the three expert reports filed confidentially and *ex parte*, respectively, on 3 September 2010, 10 September 2010 and 30 September 2010 (“Reports”),¹

CONSIDERING that, over the course of recent months the Chamber has noticed that Vojislav Šešelj appeared tired and to be experiencing hardships related to his state of health, which appears to have deteriorated,

CONSIDERING that the Chamber, concerned for the Accused’s state of health, at that time deemed that he needed to undergo a number of medical examinations for the various illnesses from which he suffers,

CONSIDERING as a consequence that the Chamber issued the Order of 30 July 2010, directing that three medical experts be appointed,

CONSIDERING that following the Order of 30 July 2010, the Chamber received the Reports; that it follows from the said Reports that the state of health of the Accused, whose life does not appear endangered, has actually a rather more positive outlook; that, nonetheless, the Chamber finds that it is necessary to obtain additional information so that answers may be obtained to certain questions which the Reports did not allow us to resolve, such as the origin of the cardiac condition from which the Accused suffers,

¹ See “First Registry Submission Pursuant to Rule 33 (B) Regarding the Order to Conduct Expert Medical Evaluation”, confidential and *ex parte* document, 3 September 2010; “Second Registry Submission Pursuant to Rule 33 (B) Regarding the Order to Conduct Expert Medical Evaluation”, confidential and *ex parte* document, 10 September 2010; “Third Registry Submission Pursuant to Rule

CONSIDERING that the Chamber finds it therefore necessary to order a fresh expert medical evaluation, to be conducted by a panel of three internationally-renowned experts, including at least one who is specialized in cardiology and another who is a specialist in internal medicine,

CONSIDERING that the Chamber is asking the panel of experts to answer the following questions in particular:

1. What is the current state of health of the Accused? From which specific condition does he suffer and what is the course of treatment he is following or ought to follow?
2. To what extent is the state of health of the Accused compatible in the short to medium term with his participation in the hearings?
3. In what sense would the pathology or pathologies from which the Accused suffers require specific arrangements for the hearings?
4. What is the probable future course of the Accused's state of health in the next 6 months, from his examination by the expert panel?

CONSIDERING that the Chamber is requesting that the expert panel report be delivered within two months of the publication of this Order,

33 (B) Regarding the Order to Conduct Expert Medical Evaluation”, confidential and *ex parte* document, 30 September 2010.

FOR THE FOREGOING REASONS

PURSUANT TO Rule 54 of the Rules,

ORDERS the Registry to proceed to appoint a panel of three internationally-renowned experts, one of which must be specialized in internal medicine and another in cardiology,

ORDERS that the panel of experts thus appointed be commissioned to conduct a comprehensive study of the Accused's state of health and to answer the questions listed in this Order,

AND,

ORDERS the Registry to take measures such that the international panel of experts delivers its report within two months, to run from the filing of this Order,

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this nineteenth day of October, 2010
At The Hague
The Netherlands

[Seal of the Tribunal]