

IT-05-88/2-PT
D 389- D 387
31 JULY 2007

389
PK

**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-05-88/2-PT
Date: 31 July 2007
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Theodor Meron, Duty Judge

Registrar: Mr. Hans Holthuis

Order of: 31 July 2007

PROSECUTOR

v.

Zdravko TOLIMIR

PUBLIC

ORDER CANCELLING A STATUS CONFERENCE

The Office of the Prosecutor

Mr. Peter McCloskey

The Accused

Zdravko Tolimir

I, **THEODOR MERON**, Judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 (“Tribunal”), and Duty Judge at this time,

CONSIDERING that a status conference in this case was scheduled for Wednesday, 1 August 2007, at 10:00hr in Courtroom 2 due to urgent health considerations;¹

OBSERVING that in his prior appearances, while Zdravko Tolimir (“Mr. Tolimir”) has expressed his appreciation for the efforts of the medical staff of the United Nations Detention Unit,² he nonetheless has stated that “my health is very bad”³ and further has “refused to take medicine as a form of personal protest” against what he terms “the denial of my rights and what has been done to me so far”;⁴

CONSIDERING that in a confidential filing of 31 July 2007, Mr. Tolimir asserts that “I am in excellent health”, protests the scheduling of a status conference before the Duty Judge, and requests that any status conference await the availability of his own Pre-Trial Chamber;⁵

CONSIDERING that whatever the state of Mr. Tolimir’s health, it would be fruitless to hold a status conference at this time over his explicit objections;

HEREBY CANCEL the scheduled status conference;

INFORM Mr. Tolimir that should he change his mind and desire a status conference during the summer recess, the Duty Judge stands ready to accommodate him without delay; and

INSTRUCT the Registry and the United Nations Detention Unit to continue their good efforts in monitoring Mr. Tolimir’s health and taking whatever steps they deem medically appropriate, including arranging for Mr. Tolimir’s hospitalization if necessary.

¹ Order Scheduling a Status Conference, 27 July 2007.

² T. 18-19 (Initial Appearance of 4 June 2007, Open Session) (“I can state that they have treated me very properly, all of the staff of the UN Detention Unit, including the medical staff. They have directed all their attention to me, even over and above what I expected.”).

³ T. 18 (Initial Appearance of 4 June 2007, Open Session).

⁴ T. 48 (Further Appearance of 3 July 2007, Open Session).

⁵ Confidential Motion of the Accused to be Allowed to Defend Himself Personally or to be Defended by Counsel of His Own Choosing, 31 July 2007, p. 2. While this motion was filed confidentially, I deem it appropriate to make this limited public reference to Mr. Tolimir’s concerns.

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

Dated this 31st day of July 2007,
At The Hague,
The Netherlands.



Theodor Meron
Duty Judge

[Seal of the Tribunal]