



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-T

Date: 29 October 2010

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Christoph Flügge, Presiding  
Judge Antoine Kesia-Mbe Mindua  
Judge Prisca Matimba Nyambe

**Registrar:** Mr. John Hocking

**Order of:** 29 October 2010

**PROSECUTOR**

v.

**ZDRAVKO TOLIMIR**

**PUBLIC**

---

**ORDER REGARDING THE DISCLOSURE OF INFORMATION ON THE  
HEALTH OF THE ACCUSED**

---

**Office of the Prosecutor**

Mr. Peter McCloskey

**The Accused**

Zdravko Tolimir

**THIS TRIAL 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”);

**NOTING** the “Registry Submission Pursuant to Rule 33(B) Concerning the Accused’s Statements on 19 October 2010”, filed on 22 October 2010 (“Submission”);

**NOTING** the Accused’s oral submission on 19 October 2010 (“Oral Submission”)<sup>1</sup> and the “Response to a Request by the Commander of the UN Detention Unit” filed confidentially in English on 21 October 2010 (“Response”);

**NOTING** that the Registry submits that on 18 October 2010 the Accused was examined by the Medical Officer (“MO”) and refused the course of action recommended by the MO;<sup>2</sup>

**NOTING** that the Registrar considers a material change in the health of the Accused to have occurred on 18 October 2010 and that the Accused refused to consent to disclosure of the MO’s report regarding this change to the Chamber;<sup>3</sup>

**NOTING** Rule 34(D) 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”), which provides that information in a detainee’s medical records may be consulted or disclosed for medical reasons only with the consent of the detainee or in the interest of justice and good administration of the trial, by order of a Judge or Chamber, after consultation with the MO;

**NOTING** that the MO confirmed that the Submission sufficiently represented his position in regard to the health of the Accused and that he will immediately inform the Registrar and the Commanding Officer of any “serious illness” of the Accused in accordance with Rule 33(A) of the Rules of Detention;<sup>4</sup>

**NOTING** Article 20(1) of the Statute of the Tribunal (“Statute”) provides, *inter alia*, that the Trial Chambers shall ensure that a trial is fair and expeditious;

---

<sup>1</sup> T. 6477–6479 (19 October 2010).

<sup>2</sup> Submission, para. 2.

<sup>3</sup> Submission, para. 4.

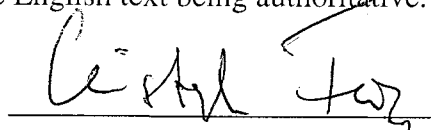
<sup>4</sup> Email Correspondence between Senior Legal Officer, Trial Chamber II, and the Registry on 27 and 28 October

**CONSIDERING** that it is in the interest of justice and good administration of the trial for the Chamber to be informed of the recent health developments in regard to the Accused, in particular since he is representing himself;

**PURSUANT TO** Article 20(1) of the Statute and Rule 54 of the Rules of Evidence and Procedure and Rule 34(D) of the Rules of Detention,

**HEREBY ORDERS** the Registrar to disclose to the Chamber the MO's report concerning the material change on 18 October 2010 in the health of the Accused.

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



Judge Christoph Flügge

Presiding Judge

Dated this twenty-ninth day of October 2010  
At The Hague  
The Netherlands

[Seal of the Tribunal]