



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-98-33-T

Date: 17 January 2001

Original: English  
French

**TRIAL CHAMBER I**

**Before:** Judge Almiro Rodrigues, Presiding  
Judge Fouad Riad  
Judge Patricia Wald

**Registrar:** Mr. Hans Holthuis

**Decision of:** 17 January 2001

**THE PROSECUTOR**

v.

**RADISLAV KRSTIĆ**

---

**ORDER FOR A MEDICAL EXAMINATION  
OF THE ACCUSED**

---

**The Office of the Prosecutor:**

**Mr. Mark Harmon**

**Defence Counsel:**

**Mr. Nenad Petrušić  
Mr. Tomislav Visnjić**

**TRIAL CHAMBER I** (hereinafter “the 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 (hereinafter “the Tribunal”),

**PURSUANT** to Articles 20 and 21 of the Statute of the Tribunal (hereinafter “the Statute”) and Rules 54 and 74 *bis* of the Rules of Procedure and Evidence of the Tribunal (hereinafter “the Rules”),

**NOTING** the Decision of the Chamber dated 12 January 2001 in which resumption of the hearings in the trial of the accused in this case was postponed due to his medical condition,

**CONSIDERING** that the Chamber must ensure that the accused enjoys a fair and expeditious trial; that it must therefore verify whether the physical condition of the accused permits his being present at the hearing and participating in his trial under the conditions provided for by the Statute and the Rules,

**CONSIDERING** that the schedule previously set by the Chamber anticipated that approximately three more weeks of hearings would be necessary in order to declare the hearing closed in accordance with Rule 87 of the Rules, a time-period divided over three one-week periods,

**CONSIDERING** that a medical examination conducted by the physicians suggested by the Defence concluded that the accused could not be present; that the report of the physicians does not however specify precisely what medical problems the accused is experiencing or the means to remedy these problems or when and, if applicable, under what conditions the normal course of the trial might resume,

**CONSIDERING** that the Chamber holds that it must have all the information which will permit it to ensure that the trial can conclude fairly but also as expeditiously as possible,

**CONSIDERING** that, to such an end, it is appropriate to order a medical examination whose results must be submitted to the Chamber as rapidly as possible,

**FOR THE FOREGOING REASONS,**

**ORDERS** that a detailed evaluation of the accused Radislav Krstić's medical condition be performed which shall *inter alia* clearly state:

- the source and nature of the accused's medical problems, whether physical, psychological or mental;
- whether the health of the accused is compatible with detention under the current conditions or under other conditions which the experts must then clearly state;
- whether a single treatment or several treatments must be considered, what sort of treatment this would be, the individuals by whom and the locations where such treatment is likely to be provided the most effectively,
- whether one or several of these treatments are urgent and, if so, the urgency of the projected treatment or treatments,
- the minimum foreseeable time necessary for the accused to be considered physically and/or mentally fit to continue his trial;

and, more generally, any other appropriate information which will allow the Chamber to evaluate whether it is proper for the hearings to resume;

**INVITES** the Registrar of the Tribunal to take without delay all the measures required for the above-ordered medical evaluation and, in particular, to appoint among the experts called upon, at least: the Dutch hospital physician (or the person indicated by that physician) at the Bronovo Hospital who has been treating General Krstić since the start of his detention; one of the Yugoslav physicians who operated on and initially monitored the accused, which shall be done even exceptionally should the conditions of the Rule not be satisfied; a surgeon from a third country; and one or more expert for the assessment of the psychological state of the accused and whether the latter suffers from any mental illness;

**STATES** that the joint report of the experts must be filed at the Registry as rapidly as possible, and by no later than 15 February 2001, and that the report may include, distinctly and in brief, any disagreements between the experts;

**ORDERS** that an interim report on the compatibility of the health condition of the accused with detention and the degree of urgency, if necessary, of a specific treatment be submitted to the Chamber as quickly as possible and by 26 January at the latest; and **STATES** that the interim report shall specify whether, before beginning or while awaiting treatment, the accused may continue to attend for a brief period of several days the final stage of his trial and, where appropriate, under which conditions (*e.g.*, special medication, shorter hearings; additional breaks during hearings; availability of a nurse);

**STATES** that for the purposes of the interim report, the Registrar may appoint only the Dutch hospital physician mentioned above.

**EXPRESSES ITS APPRECIATION** to the Registrar for any appropriate suggestions regarding the accused's detention or the trial's resumption under the best conditions.

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

Done this seventeenth day of January 2001  
At The Hague  
The Netherlands

(signed)

---

Almiro Rodrigues  
Presiding Judge  
Trial Chamber I