



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-98-34-T
Date: 28 May 2002
Original: English

BEFORE TRIAL CHAMBER I SECTION A

Before: Judge Liu Daqun, Presiding
Judge Maureen Harding Clark
Judge Fatoumata Diarra

Registrar: Mr. Hans Holthuis

Order of: 28 May 2002

PROSECUTOR

v.

**MLADEN NALETILIĆ aka "TUTA"
and
VINKO MARTINOVIĆ aka "ŠTELA"**

ORDER TO THE REGISTRY

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

**Mr. Krešimir Krsnik, for Mladen Naletilić
Mr. Branko Šerić, for Vinko Martinović**

TRIAL CHAMBER I, SECTION A (“the 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 (“the Tribunal”):

NOTING that the Chamber requested the Registry to provide a medical report on Naletilić’s health by an oral Order on 9 May 2002, following his absence from court on 8 and 9 May 2002, due to health problems;¹

BEING SEISED OF “Accused Naletilić’s Motion For Short, Reasonable Recess in Trial Due to Health Considerations”, filed the 27 May 2002 (“the Motion”), whereby the accused Naletilić states again that he “is suffering from serious heart problems”; and requests a two week recess in the trial proceedings “to have sufficient time to gain back his strength”;

CONSIDERING that according to Article 21(4)(d) of the Statute the accused has the right to be tried in his presence;

CONSIDERING that the Chamber is not in the position to decide on the Motion without consideration of an expert medical opinion regarding the health of the accused;

FOR THE FOREGOING REASONS

PURSUANT TO Rule 74 *bis* of the Rules of Procedure and Evidence;

REQUESTS the Registry to provide the medical report relating to Naletilić’s absence from court on 8 and 9 May 2002 as soon as possible;

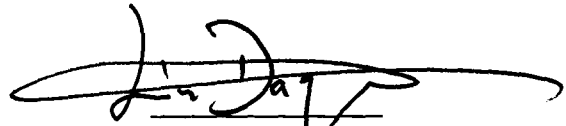
REQUESTS FURTHER the Registry to make the necessary arrangement for an independent medical expert to conduct a medical examination of the accused Naletilić in order to make suggestions to the Chamber as to his physical capability to sit in the courtroom and follow the proceedings;

REQUESTS the Registry to inform the Chamber of any forthcoming medical examinations or procedures, which may have an impact on the proceedings;

¹ Transcript, pp 11146-11147.

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

Dated this twenty-eight day of April 2002,
At The Hague,
The Netherlands



Judge Liu Daqun
Presiding Judge

[Seal of the Tribunal]