



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-13/1-PT
Date: 31 May 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding
Judge Florence Ndepele Mwachande Mumba
Judge Carmel A. Agius

Registrar: Mr. Hans Holthuis

Decision of: 31 May 2002

PROSECUTOR

v.

MILE MRKSIC

**ORDER ON MILE MRKSIC'S MOTION FOR PROVISIONAL
RELEASE**

The Office of the Prosecutor:

Ms. Uertz - Retzlaff

Counsel for the Accused:

Mr. Miroslav Vasic

TRIAL CHAMBER II (“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”):

BEING SEISED OF the “Motion for Provisional Release” of Mile Mrksic filed on behalf of the accused Mile Mrksic (“the Accused”) on 23 May 2002 (“the Motion”), requesting provisional release from detention on humanitarian grounds relating to his health, subject to certain terms and conditions set out in the motion;

CONSIDERING that a report on the current medical treatment, conditions and facilities, including any special dietary needs being provided to the Accused during his detention at the UN Detention Unit will provide more complete information to enable the Trial Chamber to reach an informed decision on the Motion;

CONSIDERING that a medical examination by experts appointed by the Registrar of the Tribunal will provide more complete information in regard to the present medical condition of the Accused to enable the Trial Chamber to reach an informed decision on the Motion;

NOTING that Rule 74 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requires that, in cases where the Trial Chambers orders, *proprio motu* or at the request of a party, a medical examination of the accused, the task shall be entrusted by the Registrar of the Tribunal to an expert whose name appears on a list drawn up by the Registry,

PURSUANT TO Rules 54 and 74 *bis* of the Rules,

HEREBY ORDERS as follows:

- (1) the Head of the UN Detention Unit is hereby instructed to report to the Trial Chamber on the medical treatment, conditions and facilities, including any special dietary needs actually requested by the Accused at the UN Detention Unit and report on the measures taken to make the same available to him, and particularly whether in the UN Detention Unit the Accused can be provided with all the medical attention he may need, no later than fifteen days after the receipt of this order;
- (2) a copy of the report of the Head of the UN Detention shall be filed with the Registry no later than one day from the date the report becomes due;

- (3) a medical examination of Mile Mrksic shall be carried out as soon as feasible, and the Trial Chamber instructs the Registrar to entrust this task to experts whose names appear on the list previously drawn up by the Registry;
- (4) a copy of the medical reports resulting from the examination of the expert approved by the Registry shall be filed with the Registry no later than 15 days of conducting the examination; and
- (5) the Office of the Prosecutor (“the Prosecutor”) in the light of the nature of the Motion, is to file its general response to the Motion, if any, by Wednesday, 05 June 2002 and, if regarded necessary, to the expected medical reports no later than three days after the receipt of those.

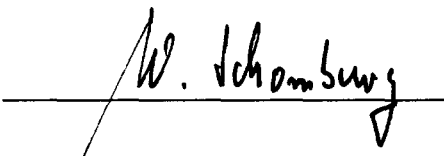
The Chamber will rule upon the Motion after receiving copies of the report of the Head of the UN Detention Unit and the Report of the Head of the UN Detention Unit, and after hearing any further submissions if necessary.

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

Dated this 31 day of May 2002,

At The Hague

The Netherlands



Wolfgang Schomburg

Presiding Judge

[Seal of the Tribunal]