



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-02-54-T
Date: 21 November 2005
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Decision of: 21 November 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER ADJOURNING TRIAL AND FOR A FURTHER MEDICAL REPORT

Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Geoffrey Nice

The Accused:

Mr. Slobodan Milošević

Court Assigned Counsel:

Mr. Steven Kay, QC
Ms. Gillian Higgins

Amicus Curiae:

Prof. Timothy McCormack

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 (“the International Tribunal”),

NOTING the absence of the Accused in court this morning on account of his ill health,

NOTING that, until 11 November 2005, the chronic cardiovascular problems experienced by the Accused have not, for over one year, caused any interruption to the three day per week trial schedule,¹

CONSIDERING the medical report received today from the Medical Officer of the United Nations Detention Unit, Dr. Falke, in which he states:

“[The Accused’s] blood pressure is beyond the acceptable parameters...he is not fit to attend court...Taking into account that his blood pressure was unacceptably high last week, it will take some time to stabilize the situation, therefore I recommend that he does not attend court for the rest of this week”,

CONSIDERING the Trial Chamber’s “Order for Expert Medical Reports”, issued on 15 November 2005, in which it ordered as follows:

...**THE REGISTRAR** to arrange an examination, if necessary, and to obtain the expert medical reports of the treating cardiologist, Dr. van Dijkman and the treating Ear, Nose and Throat specialist of the Accused, by Monday, 21 November 2005, on the content and recommendations of the reports of the three visiting doctors, including but not limited to:

- (i) The reference by Dr. Shumilina to “inadequate treatment and the necessity of additional tests” set out on page 2 of his report; and
- (ii) The “Joint Opinion on the Combined Medical Examination...”, appended to the medical reports, in particular that “the patient should be prescribed a period of rest, *i.e.* the suspension of all physical and mental activities [sic] a minimum of 6 weeks, which will probably reduce – or at least stabilize – the symptoms”.

NOTING that in the report from Dr. van Dijkman in response to the Chamber’s Order, dated 18 November 2005, it does not appear that he has addressed the reference in Order (i) of the 15 November 2005 Order relating to Dr. Shumilina’s report,

CONSIDERING that


- (1) It would be beneficial to the Chamber to have the matter related to Dr. Shumilina's report dealt with; and
- (2) In light of the Accused's current medical condition and the report of Dr. Falke today, for Dr. van Dijkman to carry out an examination of the Accused and report on whether, as previously indicated (for example, in his Report of 2 July 2004), he believes the Accused's current condition will recur.

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence of the International Tribunal

HEREBY

- (1) **ADJOURNS THE TRIAL** until Tuesday 29 November 2005, at 9am;
- (2) **ORDERS THE REGISTRAR**, by 25 November 2005, to
 - (a) Obtain from Dr. van Dijkman a report addressing the reference in Order (i) of the Trial Chamber's Order of 15 November relating to Dr. Shumilina's report; and
 - (b) Arrange an examination of the Accused by Dr. van Dijkman, and obtain a report from him on the Accused's current medical condition and on whether he believes that this medical condition will recur.

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



Judge Robinson
Presiding

Dated this twenty-first day of November 2005
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ This sitting schedule was itself established in response to expert advice related to the medical condition of the Accused, in September 2003.