



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-04-75-T
Date: 20 April 2015
Original: English

IN THE TRIAL CHAMBER

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. John Hocking

Order: 20 April 2015

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**FURTHER ORDER IN RELATION TO ORDER FOR FURTHER
MEDICAL EXAMINATION**

The Office of the Prosecutor:
Mr. Douglas Stringer

Counsel for Goran Hadžić:
Mr. Zoran Živanović
Mr. Christopher Gosnell

TRIAL CHAMBER II 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 (“Trial Chamber” and “Tribunal”, respectively);

NOTING that Hadžić was diagnosed with *glioblastoma multiforme* in November 2014 and has been undergoing a prescribed plan for palliative treatment (“Treatment Plan”) comprised of: (i) six weeks of daily radiotherapy and chemotherapy treatments until the end of January; (ii) four weeks of recuperation in February; and (iii) up to six cycles of chemotherapy consisting of five days of a high-dose oral chemotherapy followed by a 23-day rest period (“Second Phase Treatment”);¹

NOTING the “Order for Further Medical Examination”, issued on 1 April 2015 (“Order”), in which the Trial Chamber ordered Dr. Seute to submit, as early as practicable, a medical report;²

NOTING the “Deputy Registrar’s Submission in Relation to the Order for Further Medical Examination”, filed confidentially on 9 April 2015 (“Registry Submission”), in which the Registry states that Dr. Seute informed it “that she is unable to further meet the expectations of the Trial Chamber in this case due to her extensive workload and ongoing work-related commitments;”³

NOTING the “Deputy Registrar’s Submission on MRI Scan Date”, filed confidentially on 15 April 2015, in which the Registry states that Hadžić is currently scheduled to undergo an MRI scan “the second full week of May 2015;”

CONSIDERING that the Trial Chamber, as it has previously stated, would benefit from receiving additional information on Hadžić’s physical and mental health from a neuro-oncologist;⁴

PURSUANT to Rules 33(B), 54, and 74 *bis* of the Tribunal’s Rules of Procedure and Evidence, hereby:

- (a) **ORDERS** the Registry to appoint an independent neuro-oncologist to replace Dr. Seute;
- (b) **ORDERS** the independent neuro-oncologist to submit, as early as practicable after Hadžić returns from provisional release,⁵ a medical report answering the following questions:

¹ Deputy Registrar’s Submission of Medical Report (confidential), 26 November 2014, confidential Annex, p. 1; Deputy Registrar’s Submission of Medical Report (confidential), 12 February 2015, confidential Annex, para. 3; Deputy Registrar’s Submission of Reports of Medical Experts (confidential), 13 February 2015, confidential Annex III, “Report medically examination of Mr. G. Hadzic”, Tatjana Seute, MD, PhD, dated 12 February 2015, pp. 1-2, 3.

² Order, p. 3.

³ Registry Submission, para. 3.


⁴ Order, p. 2.

⁵ *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-AR65.1, Decision on Urgent Interlocutory Appeal from Decision Denying Provisional Release, 13 April 2015, para. 22, confidential Annex.

- i. Is Hadžić currently suffering from any cognitive dysfunctions? Please provide details concerning the basis for your assessment and indicate what tests, if any, were carried out to make your determination.
 - ii. What are the observed physical side-effects of the Second Phase Treatment? If physical side-effects have been observed, what measures can be or have been taken to mitigate them? Please provide details concerning the basis for your assessment and indicate what tests, if any, were carried out to make your determination.
 - iii. How has Hadžić's *glioblastoma* responded to the prescribed Treatment Plan thus far? Please provide details concerning the basis for your assessment and indicate what tests, if any, were carried out to make your determination. If such an assessment cannot be made now, when is the earliest opportunity for such an assessment?
- (c) **INSTRUCTS** the Registry to make available to the independent neuro-oncologist, via the relevant medical personnel, Hadžić's medical records as necessary to prepare the written report; and
- (d) **INSTRUCTS** the Registry to provide, as early as practicable, a written submission indicating the earliest possible date for the neuro-oncologist to examine Hadžić, submit a report, and attend a hearing on this matter.

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

Done this twentieth day of April 2015,
At The Hague,
The Netherlands.



Judge Guy Delvoie
Presiding

[Seal of the Tribunal]