

**UNITED  
NATIONS**



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: 25 February 2015  
Original: English

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**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. John Hocking

**Decision:** 25 February 2015

**PROSECUTOR**

v.

**GORAN HADŽIĆ**

**PUBLIC**

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**DECISION ON SECOND URGENT REQUEST FOR INTERIM PROVISIONAL  
RELEASE**

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**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 (“Chamber” and “Tribunal”, respectively);

**BEING SEISED OF** the “Second Urgent Request for Interim Relief (Three-Week Interim Provisional Release)”, filed on 20 February 2015 (“Second Interim Motion”);

**BEING FURTHER SEISED OF** the “Urgent Request for Provisional Release”, filed confidentially with confidential and confidential and *ex parte* annexes by the Defence on 22 January 2015 (“Motion for Provisional Release”);

**RECALLING** the “Decision on Urgent Request for Interim Provisional Release”, filed confidentially on 11 February 2015 (“First Decision on Interim Provisional Release”), in which the Trial Chamber denied the “Urgent Request for Interim Provisional Release Until 22 February 2015”, filed confidentially with a confidential annex on 10 February 2015 (“First Interim Motion”);

**NOTING** that on 16 January 2015, at the request of the Prosecution and pursuant to Rule 74 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), the Chamber ordered the Registry to appoint an independent neurologist and an independent neuro-oncologist (“Experts”) to examine Hadžić and to, no later than 13 February 2015, submit detailed written reports providing answers to questions related to Hadžić’s ability to attend and participate in trial proceedings;<sup>1</sup>

**NOTING** that on 13 February 2015, the Deputy Registrar submitted medical reports by the Experts (“Expert Reports”);<sup>2</sup>

**NOTING** that the Defence is now requesting a three-week provisional release in light of the imminent start of Hadžić’s chemotherapy on 26 February 2015 and submits that this time period will afford the Chamber adequate time to deliberate on the Motion for Provisional Release;<sup>3</sup>

**NOTING** that the Defence further submits that the Expert Reports represent a substantial material change that warrants the granting of provisional release and that provisional release should not be delayed while attempting to schedule a hearing with the Experts;<sup>4</sup>

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<sup>1</sup> Decision on Prosecution Request for a Medical Examination of the Accused Pursuant to Rules 54 and 74 *bis* (confidential), 16 January 2015, pp. 4-5. *See also* Public Redacted Version of 16 January 2015 Decision on Prosecution Request for a Medical Examination of the Accused Pursuant to Rules 54 and 74 *bis*, 22 January 2015.

<sup>2</sup> Deputy Registrar’s Submission of Reports of Medical Experts (confidential), 13 February 2015.

<sup>3</sup> Second Motion, para. 1.

<sup>4</sup> Second Motion, paras 2-3.

**NOTING** that the Prosecution submits that the Second Interim Motion raises no new issues not previously raised, and that, unless otherwise directed by the Chamber, it does not intend to file a response to the Second Interim Motion;<sup>5</sup>

**NOTING** the oral submissions by the parties made during the hearing of 25 February 2015;<sup>6</sup>

**RECALLING** that in the First Decision on Interim Provisional Release the Chamber considered that it would benefit from having the Expert Reports as well as fully informed submissions from the parties before it makes its determination on the Motion for Provisional Release;

**NOTING** that the Expert Reports are currently being considered by the Chamber in relation to the Motion for Provisional Release and that one Expert has appeared, and one has been invited to appear, before the Chamber on 25 and 26 February 2015 in order to provide additional information about their reports and answer questions from the parties or the Chamber;<sup>7</sup>

**CONSIDERING** therefore that the Chamber is still in the process of receiving and analysing important information on Hadžić's health from the Experts;

**CONSIDERING** that the Chamber will issue its decision on the Motion for Provisional Release as soon as practicable;

**CONSIDERING** that in the Second Interim Motion, the Defence raises no new issues which have not already been placed on the record;

**FINDING** therefore that the Defence has failed to demonstrate an urgency which necessitates a decision on interim provisional release;

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<sup>5</sup> Email from the Prosecution to the Chamber and the Defence, 24 February 2015.

<sup>6</sup> Hearing, 25 February 2015, T. 12589-12592 (confidential).

<sup>7</sup> Scheduling Order (confidential), 20 February 2015.


**PURSUANT** to Rules 54 and 65 of the Rules hereby:

**DENIES** the Second Interim Motion; and

**REMAINS SEISED** of the Motion for Provisional Release.

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

Done this twenty-fifth day of February 2015,  
At The Hague,  
The Netherlands.



Judge Guy Delvoic  
Presiding

**[Seal of the Tribunal]**