

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-56-ES

Date: 19 October 2023

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before:** Judge Graciela Gatti Santana, President

**Registrar:** Mr. Abubacarr M. Tambaou

**Order of:** 19 October 2023

**PROSECUTOR**

v.

**RATKO MLADIĆ**

*PUBLIC*

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**PUBLIC REDACTED VERSION OF “THIRD ORDER ON MEDICAL  
REPORTS” OF 15 SEPTEMBER 2022**

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**Counsel for Mr. Ratko Mladić:**

Mr. Dragan Ivetić  
Mr. Branko Lukić

**I, GRACIELA GATTI SANTANA**, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

**RECALLING** that, on 8 June 2021, the Appeals Chamber of the Mechanism affirmed the sentence of life imprisonment imposed on Mr. Mladić (“Mladić”) by Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia;<sup>1</sup>

**NOTING** that Mladić remains in the custody of the Mechanism, at the United Nations Detention Unit (“UNDU”), pending the finalisation of the arrangements for his transfer to the State where he will serve his sentence;

**NOTING** that, on 18 January 2022, my predecessor ordered the Registrar of the Mechanism (“Registrar”) to request fortnightly reports on Mladić’s health from the UNDU Medical Service and to file, *inter alia*, those reports on the record;<sup>2</sup>

**NOTING** that, on 25 May 2022, my predecessor held a confidential hearing in relation to Mladić’s reported refusal to consent to sharing information about his health;<sup>3</sup>

**NOTING** that, on 3 August 2022, I ordered the Registrar to ensure that the fortnightly reports of the UNDU Medical Service provide sufficient information on Mladić’s health, and, *inter alia*, if Mladić were to withhold his consent to sharing such information, to clearly indicate so in the reports;<sup>4</sup>

**NOTING** that, on 26 August 2022, the UNDU Medical Service reported that “[REDACTED]”;<sup>5</sup>

**NOTING** that, on 8 September 2022, the Registrar filed a report of the UNDU Medical Service dated 7 September 2022, which stated that: (i) [REDACTED]; (ii) [REDACTED]; and (iii) [REDACTED];<sup>6</sup>

**NOTING** that, in addition to the reports from the UNDU Medical Service, the Registrar has filed on the record reports on Mladić’s health by independent medical experts in the fields of

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<sup>1</sup> *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-A, Judgement, 8 June 2021 (public redacted), paras. 1, 9, 592.

<sup>2</sup> Order on Medical Reports, 18 January 2022 (confidential) (“First Order”), pp. 2-3.

<sup>3</sup> T. 25 May 2022, pp. 1–18 (closed session). *See also* Order Scheduling a Hearing, 18 May 2022, pp. 1-2 (confidential).

<sup>4</sup> Further Order on Medical Reports, 3 August 2022 (confidential), p. 3.

<sup>5</sup> Registrar’s Submission in Relation to the “Order on Medical Reports” of 18 January 2022 and the “Further Order on Medical Reports” of 3 August 2022, 26 August 2022 (confidential), para. 4, Annex, para. 1.

<sup>6</sup> Registrar’s Submission in Relation to the “Order on Medical Reports” of 18 January 2022 and the “Further Order on Medical Reports” of 3 August 2022, 8 September 2022 (confidential), para. 4, Annex, paras. 1-4. I note that [REDACTED]. *See* [REDACTED].

[REDACTED], [REDACTED], and [REDACTED], with the most recent such reports having been submitted in January, February, and March 2022, respectively;<sup>7</sup>

**NOTING** paragraph 11 of resolution 2529 (2020), in which the Security Council recalled the importance of ensuring the rights of persons detained on the authority of the Mechanism in accordance with applicable standards, including those related to health care;

**RECALLING** that the President supervises the conditions of detention of the detainees under the authority of the Mechanism at the UNDU;<sup>8</sup>

**RECALLING FURTHER** that, in accordance with Rule 127(A) of the Rules, as well as the Practice Direction on the Procedure for Designation of the State in which a Convicted Person is to Serve His or Her Sentence of Imprisonment,<sup>9</sup> the President shall designate the State in which the convicted person shall serve his or her sentence of imprisonment on the basis of information provided by the Registrar and any other enquiries the President chooses to make;

**CONSIDERING** that the state of Mladić's health may be relevant to any decision designating the State in which he will serve his sentence of imprisonment;

**CONSIDERING** that the reports received from the UNDU Medical Service since the First Order have varied in terms of providing sufficient information on Mladić's health, often due to Mladić reportedly refusing consent to sharing such information;

**CONSIDERING** therefore that the reporting regime established in the First Order has not yielded the overview of Mladić's health that I require to be able to execute my functions in the best way possible;

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<sup>7</sup> Registrar's Submission in Relation to the "Order on Medical Reports" of 18 January 2022, 4 February 2022 (confidential), Annex I ([REDACTED] Report, dated 26 January 2022, based on examination of 1 December 2021); Registrar's Submission in Relation to the "Order on Medical Reports" of 18 January 2022, 24 February 2022 (confidential), Annex ([REDACTED] Report, undated, consent form dated 2 February 2022); Registrar's Submission in Relation to the "Order on Medical Reports" of 18 January 2022, 8 April 2022 (confidential), Annex B ([REDACTED] Report, dated 16 March 2022, based on examination of 28 October 2021).

<sup>8</sup> *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55, Decision on Request for Status Conference, 1 April 2016, p. 1. *See Prosecutor v. Maximilien Turinabo et al.*, Case No. MICT-18-116-PT, Decision on Prosecution Motions to Reclassify Decisions, Orders and Filings, 3 April 2020 ("Decision to Reclassify"), p. 4, issuing a public redacted version of a confidential order of 7 February 2019 as an annex. *See Decision to Reclassify*, Annex, p. 2; *Prosecutor v. Augustin Ngirabatware*, Case No. MICT-12-29-R, Decision on Request for Status Conference, 3 October 2017, p. 2. *See generally* Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Mechanism or Otherwise Detained on the Authority of the Mechanism, 5 November 2018; Regulations on the Complaints Procedure for Detainees, MICT/23, 5 December 2018. *See also* Rules 23(A), 31(C) of the Rules of Procedure and Evidence of the Mechanism ("Rules").

<sup>9</sup> MICT/2 Rev.1, 24 April 2014, para. 5.

**CONSIDERING FURTHER** that, in light of Mladić's most recent diagnoses, as well as his medical history, it is necessary to establish a medical reporting regime that also includes regular and timely assessments of his health by specialists in the fields of [REDACTED] and [REDACTED];

**FOR THE FOREGOING REASONS,**

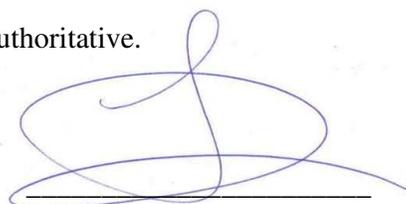
**HEREBY AMEND** the reporting regime established in the First Order to ensure that I receive reports on Mladić's health from the UNDU Medical Service every month, or more frequently if deemed necessary by the UNDU Medical Service; and

**INSTRUCT** the Registrar to:

- (i) appoint on an urgent basis two independent medical experts in the fields of [REDACTED] and [REDACTED] ("Experts"),<sup>10</sup> who shall each examine Mladić once every two months and promptly prepare reports on Mladić's health to be filed before me; and
- (ii) ensure that the first reports of the Experts are filed before me as soon as possible following their appointment, and that subsequent reports of the Experts are filed every two months thereafter.

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

Done this 19th day of October 2023,  
At The Hague,  
The Netherlands.



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Judge Graciela Gatti Santana  
President

**[Seal of the Mechanism]**

<sup>10</sup> Depending on availability for this urgent assignment, the Experts may be the same independent medical experts who have previously assessed Mladić's health or newly appointed independent medical experts.



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| <b>Date Created/ Daté du :</b>                              | 19 October 2023   | <b>Date transmitted/ Transmis le :</b>  | 19 October 2023   | <b>Number of Pages/ Nombre de pages :</b> | 4  |                                       |
| <b>Original Language/ Langue de l'original :</b>            | <input checked="" type="checkbox"/> English/ Anglais  | <input type="checkbox"/> French/ Français   | <input type="checkbox"/> Kinyarwanda                      | <input type="checkbox"/> B/C/S            | <input type="checkbox"/> Other/ Autre (specify/ préciser): |                                       |
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