

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-13-55-A
Date: 24 November 2016
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding Judge
Registrar: Mr. John Hocking
Submission of: 24 November 2016

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**REGISTRAR'S SUBMISSION IN RELATION TO MATTERS RAISED
AT THE STATUS CONFERENCE HELD ON 15 NOVEMBER 2016**

Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Laurel Baig
Ms. Barbara Goy
Ms. Katrina Gustafson

Counsel for Mr. Karadžić:

Mr. Peter Robinson
Ms. Kate Gibson

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the Mechanism for International Criminal Tribunals (“Rules” and “Mechanism”, respectively) and the requests of the Presiding Judge during the status conference on 15 November 2016,¹ the Registrar respectfully files this submission.

Lumbar Support Cushion

2. The UNDU Commanding Officer did not allow Mr. Karadžić to import a lumbar support cushion for use in his cell based on the advice of the United Nations Detention Unit (“UNDU”) Medical Officer. In the view of the Medical Officer, the cushion does not provide appropriate lumbar support and he therefore advises against its use. The Medical Officer recommends the use of the lumbar support built-in to the chair issued to Mr. Karadžić.

Skype communication and maintaining contact with family and friends

3. The use of video communication applications, such as Skype, is currently not allowed at the UNDU due to security risks. The secure use of such means of communication would require a broad array of adjustments to the UNDU communication applications in cooperation with the Host State. In this regard, the Registry welcomes the fact that the Dutch Ministry of Security and Justice (“DJI”) is in the process of exploring possibilities for the establishment of a nationwide secure platform that would eventually allow detainees in Dutch prisons the opportunity to have secure video communication. The establishment of such system may create a possibility for its use by detainees at the UNDU that would have beneficial effects for the detainees’ wellbeing. The UNDU management is in regular contact with the DJI as this matter develops.
4. The Registry further notes that all persons detained at the UNDU are entitled to receive visits to maintain contact with their family and friends and preserve a sense of community. A limitation to one visit per month, as alleged by Mr. Karadžić, is not the practice at the UNDU. Within a thirty-day period, detainees may receive up to ten working days (eight hours per day) of visits. In addition to visits, Mr. Karadžić may use other means of communication, such as telephone or mail.

¹ *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55 (“*Karadžić*”), T. 17-22, 23-24 (15 November 2016).

Dietary Supplements

5. The UNDU shop provides opportunity for detainees to purchase various dietary supplements. Mr. Karadžić has not submitted a request to purchase such items. Should he wish to do so, Mr. Karadžić should address a request to the UNDU management.

Self-measuring blood pressure device

6. The Commanding Officer did not allow Mr. Karadžić to have his own device for measuring blood pressure due to general advice provided by the Medical Officer. The Medical Service conducts regular checks of detainees with high or low blood pressure. If indicated by the Medical Officer, other diagnostics such as a 24-hour device may also be used. The Medical Officer advises against self-measuring blood pressure devices since they often lack accuracy and may provide the detainees with erroneous information, which risks causing undue distress, thereby exacerbating the condition being measured.

Corrected Translations of Exhibits Previously Admitted into Evidence at Trial

7. Mr. Karadžić's counsel suggests that the Registry apply the process currently used for the verification of the accuracy of transcripts to verify the accuracy of the translation of exhibits admitted into evidence. The Registry submits that these situations are not comparable. Exhibits and their translations are subject to a judicial order or decision admitting them into evidence. It is therefore only by judicial order, and after giving the parties the opportunity to comment, that a translation of an exhibit can be amended or replaced. Transcripts, on the other hand, are not subject to a judicial order. They are produced by the Registry in both working languages of the Mechanism pursuant to Rule 95(A) of the Rules.² They may therefore be corrected upon a request by a party or a Chamber to verify the accuracy of the transcript against the recording of the hearing.
8. The Registrar remains available should the Presiding Judge require further information.

Respectfully submitted,



John A.
Regan

²The *Prosecutor v. Radovan Karadžić*, Trial Case No. IT-95-5/18 transcripts were produced pursuant to Rule 81(A) of the Tribunal's Rules of Procedure and Evidence.

Done this 24th day of November 2016
At Arusha,
Tanzania.