

MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

CASE No. MICT-13-55-A

THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. John Hocking

Date: 25 November 2016

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

REPLY TO REGISTRAR'S SUBMISSION
ON AVAILABILITY OF SKYPE

The Office of the Prosecutor:

Mr. Serge Brammertz

Ms. Laurel Baig

Ms. Barbara Goy

Ms. Katrina Gustafson

Counsel for Radovan Karadzic:

Mr. Peter Robinson

1. At the Status Conference of 16 November 2016, President Karadzic requested that Skype be made available at the United Nations Detention Unit ("UNDU") so that he and the other detainees could see their families when communicating with them. The Pre-Appeal Judge requested the Registrar to inquire about the possibility, subject to security and overriding considerations, with regards to use of Skype.¹

2. On 24 November 2016, the Registrar reported that

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.²

3. Dr. Karadzic believes that the Registrar could do better than that.

4. For the last year, the Dutch prison in Norgerhaven, which houses prisoners from Norway, has provided Skype to inmates so that they can communicate with their families.³ ICTY sentenced prisoners serving their sentences in Finland are also allowed to use Skype to communicate with their families.

5. In the United States, video communication is available in more than 600 prison facilities in 46 states and the District of Columbia.⁴ In the United Kingdom, the HM Inspectorate of Prisons has recommended that prisoners be permitted family contact through Skype.⁵ In Italy, Skype is permitted for family contacts.⁶ In Greece, Justice Minister Nikos Paraskevopoulos announced that inmates would be receiving Skype to communicate with friends and relatives.⁷

¹ T8

² Registrar's Submission in Relation to Matters Raised at the Status Conference held on 15 November 2016 (24 November 2016)

³ See "Serving a Sentence in Norgerhaven Prison in The Netherlands", pp. 4-6, attached as Annex A.

⁴ Smith, IV, Jack. "'Video visitation' is ending in-person prison visits". Business Insider. (May 5, 2016).

⁵ Hannah Al-Othman, "Prisons watchdog calls for inmates to be allowed access to Skype and social media" (23 August 2016); see generally *Life in Prison: Contact with Family and Friends*.

⁶ Santi Consolo, *The recent positive developments in the fight against overcrowding in the Italian penitentiary system: some good practices*, MINISTRY OF JUSTICE (14-15 June 2016) at 11.

⁷ Andy Dabilis, "Greek Prisoners Will Be Getting Skype" (6 April 2016).

6. President Meron has frequently observed that conditions of the UNDU aspire to be the “gold standard” for prisons.⁸ President Karadzic respectfully requests that the Registrar be ordered to make Skype available at the UNDU. Skype is particularly desirable when prisoners are incarcerated in foreign countries, far from their families, and do not get frequent visits.⁹ There is no need to wait for a nationwide rollout in The Netherlands. It is obvious that this can be accomplished at the UNDU if there is a will to do so.

Word count: 619

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Robinson". The signature is written in a cursive, flowing style with large loops.

PETER ROBINSON

Counsel for Radovan Karadzic

⁸ Transcript of 6 April 2016, p. 8. See also T6 (15 November 2016)

⁹ See *Life in Prison: Contact with Family and Friends*, para. 1.18

ANNEX "A"



KRIMINALOMSORGEN



Serving a sentence in Norgershaven Prison in the Netherlands

ENGELSK

Norway has signed an agreement with the Netherlands to rent Norgerhaven Prison from 1 September 2015. The prison will be a unit of Ullersmo Prison and will be managed by a Norwegian prison governor and assistant governor. There will also be some other Norwegian staff. The prison officers will be Dutch.

Will Norwegian or Dutch law apply in the prison?

Sentences served in the Netherlands will be served in line with Norwegian law. This means that inmates in the Netherlands will have the same rights and responsibilities as inmates in Norway. If an inmate commits a new criminal offence in the Netherlands, they will be prosecuted in the Netherlands.

Where is the prison located?

Norgerhaven Prison is located in the village of Veenhuizen in the northern part of the Netherlands.

What sort of prison is Norgerhaven?

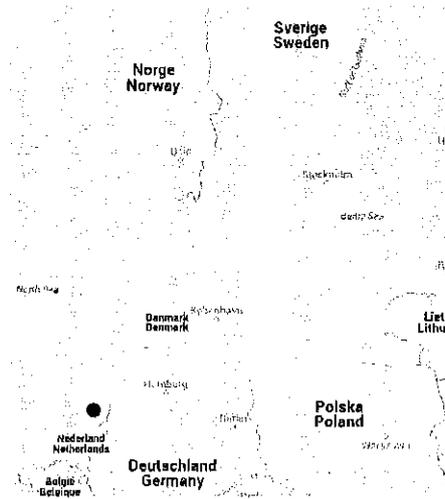
It is a high security prison with space for 242 inmates, all in single cells.

Which inmates can serve their sentence in the Netherlands?

Male convicts who are serving sentences in closed prisons and have not yet served enough time to be eligible for home leave.

What languages will be spoken in the prison?

There will be some Norwegian staff in the prison, but inmates and prison officers will generally speak English to each other. Most of the prison officers' first language is Dutch, but there will always be officers



who speak English on duty. The inmates will be able to write applications, etc. in Norwegian, just like in Norway.

What will a typical day be like in the prison?

Inmates will be able to be out of their cells from 08:00 - 20:00 on weekdays and from 10:00 - 19:00 at weekends. Many forms of activity will be available during the day. Inmates will work for four hours per day and be able to take courses. Inmates will also be able to spend their time working out or doing sports, calling home, in the library, or cooking food.



How much yard time will there be?

Inmates will be able to be outside in the yard twice a day for a total of 90 minutes each day.

What sort of opportunities for exercising will there be?

They will be good and better than in most Norwegian prisons. There is a gym, weights room, and spinning room, as well as a room with other exercise equipment. Inmates will be able to exercise with an instructor. Outdoors there is a football pitch and courts for tennis and volleyball. The yard is large enough to be used for running workouts and other activities.

What sort of work will the prison offer?

Most inmates will be kept active through work. The prison will offer several types of work such as woodwork and assembling electrical components. There will also be jobs in the laundry, library, kitchen and outdoors maintaining buildings, the lawns and other things.

Will it be possible to go to school or take courses in the prison?

The prison has a teaching department that will offer some courses such as IT and English courses.

What will the cells be like?

The cells will have a bed, wardrobe, desk, fridge and TV with Norwegian language channels. The windows will have view of the prison yard or the area outside the prison. All the cells have a screened-off toilet.

Will inmates be able to cook their own food in the prison?

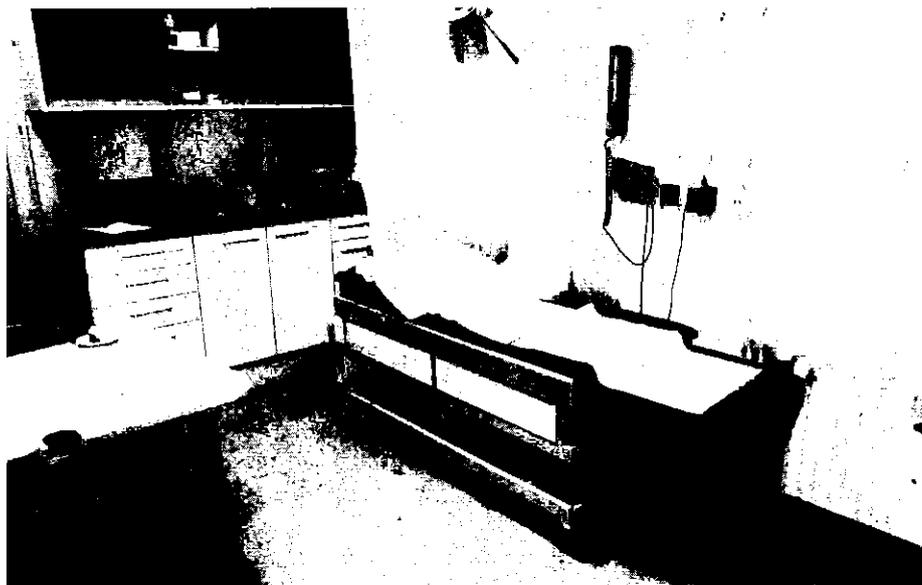
Yes. The wings have a common room with a kitchen where inmates will be able to cook their own food. It will be possible to buy food from the prison shop. The prison will also serve halal food.

Will inmates will able to have visitors in the Netherlands?

Inmates will be able to receive visits from their family in specially designed family rooms. Families will have to pay their own travel costs from home to the prison, like they have to when sentences are served in Norway. Inmates will be able to receive visits for several days in a row if the visitors have travelled from Norway or another country outside the Netherlands.

Will inmates be able to call home from the prison or use «Skype»?

Yes. Inmates will also be allowed to call for longer per week than they can in



prisons in Norway. Every inmate will get 3 x 20 minutes per week. They will be able to spend the time on either phone calls or «Skype» calls.

Will the inmates get home leave or other leave when they are in the Netherlands?

No.

What will happen if an inmate completes 1/3 of their sentence and becomes eligible for home leave while they are in the Netherlands?

In these circumstances they will be transferred to a prison in Norway.

What will the health services in Norderhaven be like?

The prison will have a well-staffed health service with nurses, doctors, psychologists and physiotherapists. Dental services will be provided from a dental bus that will visit the prison twice a week.

What will happen if an inmate falls ill in the Netherlands?

Inmates with very poor health or a substance addiction that requires treatment by the specialist health service (medicine-assisted rehabilitation) will not be transferred to the Netherlands. If an inmate suddenly falls ill in the Netherlands, he will receive immediate help from the Dutch health service. If he needs to be admitted to hospital for more than three days he will be returned to Norway as long as this is responsible from a medical point of view.



Will inmates be released in the Netherlands?

No. They will be transferred from the Netherlands to a prison in Norway when they have at least two months left of their sentence. Inmates who are eligible for home leave and other leave from prison in the last phase of their sentence will be transferred back to prison in Norway at an earlier point.

Religious services and spiritual guidance

Services will be arranged and led by a protestant chaplain. Friday prayers will also be arranged and led by an imam. Representatives of other faiths will be able to assist with spiritual guidance as needed. A staff member from the Norwegian Seamen's Church in Rotterdam will visit the prison every week.

Are you interested in going to the Netherlands?

The prison officers on the wing can answer any further questions you may have. They can also help you fill in an application form.





KRIMINALOMSORGEN

ENGELSK