

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: 26 November 2016

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

REPLY TO REGISTRAR'S SUBMISSION
ON AVAILABILITY OF DIETARY SUPPLEMENTS

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 stated that:

As far as the status of my health is concerned, it has unfortunately deteriorated since I've been here. I came here perfectly healthy by -- and I achieved that perfect health by adhering to a religious regime and my knowledge of eastern medicine, but I could not continue with that here because I was unable to order certain supplements that would have enabled me to maintain my good health.¹

2. The Pre-Appeal Judge requested the Registrar to report on “whether all health or dietary supplements are prohibited or the particular supplements that Mr. Karadzic wanted.”²

3. On 24 November 2016, the Registrar reported that

The UNDU shop provides opportunity for detainees to purchase various dietary supplements. Mr. Karadzic has not submitted a request to purchase such items. Should he wish to do so, Mr. Karadzic should address a request to the UNDU management.³

4. This is incorrect.

5. There is a long history of President Karadzic requesting dietary supplements and having those requests being denied by the UNDU.

6. On 29 March 2010, he addressed a letter to the UNDU Medical Officer requesting that he be allowed to receive “Bee-power capsules, Rhodiolin spls. C1000 vit C, Vital B tblt. Mega E vit, oil cpsls” produced by Calivita Company in the United States.⁴

7. After the UNDU denied his request, Dr. Karadzic wrote to the Commanding Officer on 16 April 2010 and again requested that he be allowed to obtain the supplements at his own expense.⁵

8. After being informed that his request was denied because the medical officer said there was no medical benefit from these supplements, Dr. Karadzic again wrote to the medical officer on 19 April 2010 attempting to persuade him of the need for those supplements.⁶

¹ T3

² T8

³ *Registrar's Submission in Relation to Matters Raised at the Status Conference held on 15 November 2016* (24 November 2016) at para. 5

⁴ His letter is attached as Annex A.

⁵ That letter is attached as Annex B.

⁶ That letter is attached as Annex C.

9. After President Karadzic's access to the supplements was again denied, he wrote a letter directly to the Registrar on 14 May 2010 requesting him to overrule the Commanding Officer.⁷

10. On 14 June 2010, following receipt of a response from the Registrar, President Karadzic wrote to the Commander of the UNDU and included a draft of a letter to be sent to the Prison Shop so that they would order the supplements.⁸ Nevertheless, the supplements were never made available to President Karadzic.

11. On 10 September 2012, some two years later, President Karadzic again reminded the Registrar that he had not been able to obtain the supplements, and that he had lost 8 teeth at the UNDU as a result of his dietary deficiencies.⁹

12. Therefore the Registrar's representation to the Pre-Appeal Judge that President Karadzic "has not submitted a request to purchase such items" is incorrect.

13. While other supplements are available, the supplements requested by President Karadzic have properties that the others do not, and are suited to President Karadzic's individual needs. They are readily available by the manufacturer for sale in Europe.¹⁰ The UNDU has never articulated that these supplements are unhealthy or that their use would be detrimental to President Karadzic or the UNDU.

14. President Karadzic respectfully requests that the Pre-Appeal Judge order the Registrar to make the requested supplements available to President Karadzic.

Word count: 713

Respectfully submitted,



PETER ROBINSON

Counsel for Radovan Karadzic

⁷ A copy of this letter is attached as Annex D.

⁸ A copy of this letter is attached as Annex E.

⁹ A copy of this letter is attached as Annex F.

¹⁰ See http://calivita-europe.mycali.biz/products?gclid=Cj0KEQIA39_BBRD0w-_rmOrc_8BEiQA-ETxXXnEa5fgnRYwmB5l1AuUwUOJUOhVUFQ5j8oQgtOzghsaAsE18P8HAQ

ANNEX “A”

Dr Radovan Karadzic

UN DU
29. 03. 2010

Subject: Health issue

To: Commanding officer
Medical unit, [REDACTED]

Dear Sir,

I am writing to you in terms of a request for an approval of additional supplements to my food. When I came here my health status was perfect. Since then I have neglected the aspect of a healthy food, since I work too much. Thanking you for the kindness of [REDACTED] and for a while I had what I needed of the supplements and seeds that I use when taking care of my health. The matter of a supplement is also due to getting used to it, and particularly trusting the manufacturer. The matter of the seeds is pretty much a matter of a quality and price, since the two canteens are a kind of monopoly, they don't have what I need, and they are very expensive.

I kindly request to be considered the possibility that I continue to have the opportunity to get what I need for then maintaining a good health status, which I am going to need particularly since there is going to be a very demanding activity in the court room.

There are the needed staff that I would need, not all of them at the same time:

Seeds: Cranberry, Pumpkin seeds, Sunflower seeds, Almond, Tamari cracker, Soya butter – All of it is reasonably priced in the “healthy food” stores

Supplements:

Permanent:

Bee-power capsules, Rhodiolin spls. C1000 vit C, Vital B tblt. Mega E vit, oil cpsls

From time to time: **Noni juice, Zen Tonic juice**

Those are very sensitive, and are a matter of trust. I would not dare to take other than those from “CALIVITA” Company, for which I used to lecture.

I ask you to decide positively on the matter, and to decide on the way how I can get it.

Thank you very much!

Respectfully submitted:
Dr Radovan Karadzic

ANNEX “B”

From: Dr. Radovan Karadzic
To: Mr. D. Kennedy, CO UN DU

16. 04. 2010.

Dear Mr. Kennedy,

After a couple of the two-direction letters, I am writing to you again on the same subject, since I failed to be sufficiently informative. The subject is my problem with my health and the food.

I repeat: when I came here the state of my health was perfect, what can be seen from the record of my laboratory findings.

Thank to the understanding of the medical office of the DU and the kindness of [REDACTED], I was able to get a healthy food from the healthy food store, since it was available though the cantina, and the supplements of my trust, which I was used to.

Thank to that fact, I maintained the good health status for a year or longer.

A few months ago I have been deprived from this opportunity to feed a healthy way, and my health had deteriorated. For the first time in my life I got a “metabolic disorder”, and my laboratory shows the same deterioration. The energy status of my organism have decreased, but fortunately I still don’t have any physical symptom which is, as I understood, required as a “medical reason” for the continuation of the supply of the food and supplements. If those physical symptoms appear, the food and supplements would no longer be sufficient, and I would need a medicines and treatments, and that would be much more expensive, and would prevent me to prepare and conduct my defence. It certainly would shorten my life as well. No one would benefit from that.

In your second letter you refer to my connection with the company whose supplement products I trust as of sort of a private arrangement. I admit that I was not detailed enough, so I do that now. I am connected to this company as much as a few millions of people throughout the world, and only a bit more, since I use to lecture to the people in Belgrade about the healthy life issue and taking those products as an example of a trustful stuff.

Mr. Kennedy, everything that I need I am buying in the cantina even if it is much more expensive than in the “Healthy food stores” (and it usually is more expensive, since we cannot oppose a monopolistic position of the cantinas) provided it the quality and security requirements. But this stuff that I would be forced to buy, particularly concerning the supplements, are not of a kind that I can trust, because they are not prepared the natural way by the “liophylisation” process, and are a chemical that can further damage my health. The seeds may be of a similar quality, but are much more expensive.

I insure you, Mr. Kennedy, that I am not a man of conflict, and that I am not generating any crisis, and I would particularly not do this in the occasion of the change of the CO, taking into account that some of the problems occurred earlier and would not be fair to connect it to the personal changes. But I have to take care of my health and of my basic rights. In the case I didn’t explain my problem sufficiently I am at your disposal for a further explanations.

Sincerely,
Dr Radovan Karadzic

ANNEX “C”

From: Dr. Radovan Karadzic
To: [REDACTED] Medical Officer
Date: 19 April 2010

Dear Dr. [REDACTED],

Thank you for your letter which I received this morning. I realized that you have got my letter addressed to you together with the CO. There is no too much to be added, but maybe to be explained a little bit.

My way of taking food is not only a matter of believes of healthy lifestyle, and not only of the believes in terms of the religion, but both of that. Unfortunately, it is for that reason why it is note exactly a macrobiotic, but rather an ajourvedic, i. e. based upon an integrative western-oriental approach to the human life. It gave me so far a very good health, as well as to many people who wanted to follow this way.

In my letter to you and Mr. Kennedy I made a rather minimal survey. The sort of supplements is very sensitive, since there are many fake products which are making more damage that a benefit, and that was the reason I named the company I trusted..

I brought with me a good reserve of the supplements, which are as three times chipper than here, but I was not allowed to import it. But thank to the kindness of our ladies from your office I was able to have what I needed. For the reasons that are out of my control I don't have it any more, and I have the consequences in my health status. We are exposed to a limited suppliers, and when the supplements are in question I do not dare to take any chemical product. If the pharmacy was to supply the products other than of their own choice, that would be quite sufficient, but I assume they wouldn't.

Regards,

Dr. Radovan Karadzic

ANNEX “D”

14 May 2010

Mr. John Hocking
Registrar
International Criminal Tribunal for the
former Yugoslavia
Churchillplein 1
The Hague

Dear Mr. Hocking,

I am writing to request that the Registrar authorize me to purchase some products which are essential to maintaining my good health. Although I have previously been allowed to purchase these products, I have now been informed at the Detention Unit that they have taken the decision that I am no longer allowed to purchase them. I wish you to review that decision and reverse it.

The products I am requesting are:

Vital B
C1000 vitamin
Mega E
Rhodiolin
BeePower
Pumpkin seeds
(produced by Liophylization process—sold by American company
Calivita)
(natural—not roasted or salted)

When I arrived at the detention unit, my health was perfect. Now it is deteriorating. This is visible in a lack of energy and already in my lab results.

These products can be purchased through the pharmacy. They are not only for religion, or for lifestyle, or for maintenance of good health, but all of these combined.

I am sure you are aware of how stressful it is to be on trial here at this Tribunal and how hard I have been working on my own case, which is the largest to be tried here. I need to maintain my good health not only for my own benefit, but to avoid interruptions in the proceedings which will frustrate the Tribunal's own interests of a fair and expeditious trial.

Mr. John Hocking
--page two--

Therefore, I would appreciate it if you would look into this situation, and direct the Detention Unit to allow me to resume purchasing these items. You may feel free to contact me if you have any questions.

Thank you for your consideration.

Yours truly,

Dr. Radovan Karadzic

cc: Trial Chamber III

ANNEX “E”

From: Dr. Radovan Karadzic
UN DU

14/06/2010

To: the Commanding officer Mr. D. Kennedy

Dear Mr. Kennedy,

As you may know, I have been dealing with the issue of obtaining the supplements and seeds for my program of maintenance of a good health. In that terms I have exchanged the correspondence with you, as well as with the Registrar, who advised me to obtain the needed stuff trough the prison shop. Also, Mr. Hocking, as I assume encouraged by you, advised me to contact the management if I need any question regarding the approved route of requesting and purchasing items through the UNDU.

I assume that the shops would need your approval for an enlargement of the usual list of food to be delivered. Hence I respectfully request that the management approve the list and orders the shop (maybe it would be better and easier trough the Balkan shop – Vinodol trading) to put the items on the list. I inform you that there will be at least four of us to order the stuff only on my wing.

I will try to be as informative as possible about how this can be obtain the supplements.

1. BeePower capsules, a sort of beebread. Manufacturer: “4LIFE”. Distributed by: Calivita Intenntl.– office in the Hague, **but may be by others too;**
2. Rhodiolin capsules, containing a root of Rhodiola rosea. Manufactured and distributed by Calivita – International – the Hague office;
3. C1000, vitamin C, manufactured by “4LIFE”, distribution the same.
4. Vital (A, B, O, AB, depending of a blood group) - Calivita Int. containing as many as 50 minerals and microelements.

From time to time there would be some of us who would order the NONI, a herbal juice of the same manufacturer – Calivita, and ZenThonic, of the same.

For the information of the shop owner – I inform him that the shop can achieve a special benefit trough a discount – provided he establish a continuous purchase.

I am attaching the letter to the supplier, in English and Serbian, which should be approved by the management, and conveyed to the shop owner.

Thank you very much!

Respectfully,

Dr. Radovan Karadzic

Za: BALKANSHOP - VINODOL TRADING

Poštovani gospodine,

Kao što znate, pritvorenici sa Balkana naručuju kod Vas hranu i ostale potrepštine.

Uz saglasnost Sekretara Tribunala i Uprave pritvorske jedinice, molimo da na listu stavite i sledeće "dodatke ishrani", koje će redovno naručivati nekoliko od nas:

1. BeePower, sto u stvari predstavlja "matični mleč u kapsulama. Mleč je pripremljen metodom liofilizacije, što znači da je potpuno prirodan, u prahu, I ne kvvari se ako ne dodje u dodir sa vodom. Proizvođač je firma "4LIFE", DISTRIBUTER Calivita international, ima office u Hagu, ali možda imaju I druge firme.
2. Rhodiolin capsule, liofilizirani koren Rhodiola rosacea, sibirske ruže, proizvođač I distributer, Calivita Int.
3. C1000 vitamin C, proizvođač "4LIFE" distribute Calivita Int. ali I drugi;
4. Vital A (ili B, AB, O, zavisno od krvne grupe) proizvodnja I distribucija: Calivita Int.

Što se semenki tiče, odgovaralo bi nam da od tikve to bude tzv. "golica", tj oljuštene i suhe semenke tikve, bez soli I prženja, kakve postoje u prodavnicama zdrave hrane, kao i Alpro Soya Butter, I suhe brusnice malo boljeg kvaliteta. Takve su veoma korisne za prostate.

Nekoliko nas će povremeno naručivati "Noni juice", i "Zen Thonic" od Calivite int. Napominjemo da "Calivita int." daje posebne popuste kod redovnog naručivanja, pa i to može biti korist, ali najvažnije je da su proizvodi potpuno prirodni

Hvala!

Dear Sir,

As you know, the inmates from the Balkans are ordering from you a food and other necessities.

With the approval of the Registrar of the Tribunal and the management of the UN Detention unit, we ask you to put on the shopping list the above mentioned items, as well as the pumpkin seeds, cleaned and dry, without any salt, and cranberries of a good quality. I assure you that only from one wing there are four of us to permanently order the above stuff.

Thank you!

ANNEX “F”

Radovan Karadzic
International Criminal Tribunal for
the former Yugoslavia

10 September 2012

Mr. John Hocking
Registrar

Dear Mr. Hocking,

I am writing to you because I am having constant pain in my teeth that is effecting my preparation for trial.

As you may know, eight of my lower teeth were removed on 11 August and a temporary denture was placed in my mouth. Since then, I have been having constant pain in my mouth because the denture is not completely congruent with my gums. A week after the procedure, I received correction but it did not completely solved the problem. I have brought this to attention of the detention unit and was told today that I cannot see my dentist until 21 September.

I am requesting that you arrange for treatment of my pain on an immediate basis. The pain makes it impossible for me to concentrate and the Trial Chamber is expecting me to work hard during this period to prepare my defence case. I believe that the pain can be corrected by some small adjustment to the denture.

I came to the detention unit in very good health. However, I was not allowed to use supplements that are readily available here in The Netherlands. This resulted in a calcium deficiency which has caused my teeth to break. Therefore, this whole problem could have been avoided had I been allowed the supplements. Now that I have lost eight of my teeth, the least that can be done is to keep me from having severe pain.

Thank you very much for your immediate attention to this matter,

Yours truly,

Radovan Karadzic

Cc: Trial Chamber
OTP