

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Date: 8 December 2015

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

REQUEST FOR STATUS CONFERENCE

The Office of the Prosecutor:

Mr. Alan Tieger

Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. Dr. Radovan Karadzic hereby requests, pursuant to Rule 65 *bis* (A), that the Trial Chamber convene a status conference in his case.

2. Rule 65 *bis* (A) provides that:

A Trial Chamber or a Trial Chamber Judge shall convene a status conference within one hundred and twenty days of the initial appearance of the accused and thereafter within one hundred and twenty days after the last status conference:

- (i) to organize exchanges between the parties so as to ensure expeditious preparation for trial;
- (ii) to review the status of his or her case and to allow the accused the opportunity to raise issues in relation thereto, including the mental and physical condition of the accused.

3. In its *Decision on the Accused's Request for Status Conference* (11 June 2014), the Trial Chamber held that Rule 65 *bis* (A) applied only to the pre-trial period. In denying certification to appeal that decision, the Trial Chamber reasoned that Dr. Karadzic did not need to appeal that decision because he could "seise the Chamber at any time of any specific issue he may wish to raise orally or in writing."¹

4. On 8 January 2015, the Trial Chamber granted Dr. Karadzic's request for a status conference, holding such a conference was in the interests of justice "given the importance it places on the accused's well-being." The status conference was held on 28 January 2015.

5. On 12 May 2015, the Trial Chamber refused to hold another status conference in 120 days' time, finding that the issues of Dr. Karadzic's health, continuing disclosure violations by the prosecution and the timing of the delivery of the judgement did not warrant a status conference.²

6. On 22 September 2015, the Trial Chamber granted Dr. Karadzic's request for a status conference, noting that it "gives the highest regard to the Accused's health and conditions of detention." The Status Conference was held on 29 September 2015.

7. Now, Dr. Karadzic would like to discuss the following topics at a status conference to be held 120 days later at the beginning of February:

¹ *Decision on Accused's Application for Certification to Appeal Decision on Request for Status Conference* (24 June 2014) at para. 6

² *Decision on Accused's Request for Status Conference* (12 May 2015) at para. 9

Health

8. At a status conference, Dr. Karadzic would inform the Trial Chamber about his recovery from gall bladder surgery in August 2015 and discuss the current state of his blood sugar levels. He attaches the results of his latest test as Annex "A". His blood sugar level has risen in this latest test from 8.7 to 9.0. A level of 6.5 or higher indicates that diabetes is present. This is a matter of concern to him, and should be a matter of concern to the Trial Chamber.

Conditions of Detention

9. With the recent death of yet another former UNDU detainee, Drago Nikolic, from cancer, Dr. Karadzic cannot help but once again express his grave concern at the abnormally high rate of disease among his fellow detainees, and the potential impact of environmental causes for such maladies on his own health.³ At a status conference, he would like to inform the Trial Chamber of his ongoing difficulties in maintaining a diet of fresh fruits and vegetables at the detention unit in the face of the refusal of the authorities to accommodate his request for a cool box in his cell.

Continuing Disclosure Violations by the Prosecution

10. Dr. Karadzic remains concerned about the impact of the prosecution's continuing violation of its disclosure obligations well after his trial has ended. Since the last status conference, the Trial Chamber has held that the prosecution has once again violated its disclosure obligations.⁴

11. He recognizes that the Trial Chamber has indicated that it does not wish to discuss issues of disclosure at a status conference.⁵ However, the proceedings are now more advanced, exculpatory information that should have been disclosed long ago continues to be uncovered, and the danger of exculpatory evidence being withheld until after the Trial Chamber's judgement is more acute.

12. Dr. Karadzic will be filing his *105th Motion for Finding of Disclosure Violation and for Remedial Measures* on 1 February 2016 as directed by the Trial

³ See also i.e., *Prosecutor v Hadzic*, No. IT-04-75-AR65.1, *Decision on Urgent Interlocutory Appeal from Decision on Defence Urgent Request for Provisional Release* (13 April 2015); *Prosecutor v Seselj*, No. IT-03-67-T, *Order on the Provisional Release of the Accused Proprio Motu* (6 November 2014)

⁴ *Decision on Accused's 102nd and 103rd Disclosure Violation Motions* (4 November 2015) at paras. 33,35

⁵ *Decision on the Accused's Request for Status Conference* (11 June 2014) at para. 6; *Decision on Accused's Request for Status Conference* (8 January 2015) at para. 6; *Decision on Accused's Request for Status Conference* (12 May 2015) at para. 5

Chamber.⁶

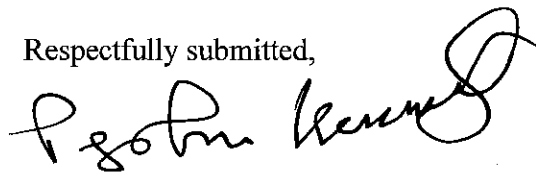
13. Dr. Karadzic believes that the Trial Chamber should take a pro-active role in ensuring that all exculpatory material is disclosed to him prior to issuing its judgement. He would like to address at a status conference some of the steps that the Trial Chamber can take, and believes that the Trial Chamber should also make inquiries of the prosecution as to the anticipated dates for completion of its disclosure of exculpatory material.

Conclusion

14. For any and all of the above reasons, Dr. Karadzic respectfully requests that a status conference be held in his case on 1 or 2 February 2015.⁷

Word count: 1048

Respectfully submitted,



Radovan Karadzic

⁶ *Decision on Accused's 102nd and 103rd Disclosure Violation Motions* (4 November 2015) at para. 39

⁷ These are the dates when his Legal Advisor Peter Robinson is otherwise scheduled to be in The Hague. Since the Registrar has terminated legal aid to Dr. Karadzic, it is respectfully requested that the Trial Chamber schedule any status conference at a time when defence team expenses can be reduced.

ANNEX "A"

Klinisch Chemisch en Hematologisch Laboratorium

Dr. ~~E. de Vries~~, Dr. ~~E. Koster~~Dr. ~~E. Koster~~

Klinisch Chemici - Telefoon: 070-312 4189

Aan: Int. Crim Court Form Yugoslavia

Postbus 87810

2508 DE DEN HAAG

Bloedgroep/Rhesus(D) :

Patientnr : 11732861

BSN : ?

Patientnaam: Karadzic, R (M)

Geb. datum : 19/06/45

Bepaling	13/08/15	Ref. waarden	Eenheid
	08:00		
	ICTY		
	B0074		

-----ALGEMENE CHEMIE-----

Natrium	142	135-145	mmol/l
Kalium	4.0	3.2-4.7	mmol/l
Creatinine	113	65-115	umol/l
Geschatte GFR (MDRD)	56	>51	ml/min/1.73m ²
eGFR (CKD-EPI)	56	>51	ml/min/1.73m ²
Indien uw patient van het Afrikaans-Caribische ras is, vermenigvuldig dan de eGFR (CKD-EPI) met 1,159.			
ASAT	21	<35	U/l
ALAT	18	<45	U/l
LD	181	<248	U/l
Alkalische fosfatase	63	40-120	U/l
Gamma-GT	31	<55	U/l
Totaal bilirubine	6	<19	umol/l
Glucose nuchter	H 9.0	3.5-6.0	mmol/l
HbA1c	H 59	20-42	mmol/mol
Cholesterol	L 3.3	4.0-7.0	mmol/l
Triglyceriden	1.6	0.5-2.2	mmol/l
HDL-Cholesterol	1.00	0.60-1.70	mmol/l
LDL-Cholesterol	L 1.6	2.0-5.0	mmol/l
Chol/HDL-Chol ratio	3.3		
Nuchter	Ja		

-----HEMATOLOGIE-----

Bezinkingssnelheid	9	<20	mm/uur
Leukocyten	6.1	4.0-10.0	x10 ⁹ /l
Erythrocyten	5.0	4.0-6.0	x10 ¹² /l
Hemoglobine	9.1	8.0-10.5	mmol/l
Hematocriet	0.45	0.40-0.50	l/l
MCV	90	83-100	fl
RDW	13.6	12.0-15.0	%
Trombocyten	204	150-400	x10 ⁹ /l
MPV	6.8	6.0-10.0	fl

-----Instrumentele differentiatie absoluut-----

Granulocyten	3.2	1.5-6.5	x10 ⁹ /l
Lymfocyten	1.8	1.0-3.5	x10 ⁹ /l
Monocyten	0.5	0.2-0.9	x10 ⁹ /l
Bosinofielen	R 0.5	0.0-0.4	x10 ⁹ /l
Basofielen	0.0	0.0-0.1	x10 ⁹ /l

Het klinisch laboratorium is CCKL-geaccrediteerd sinds januari 2001.

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Afgedrukt : 18-08-15 om 15:17

Rapport volgnr : 20