

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: 27 August 2015

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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REQUEST FOR STATUS CONFERENCE

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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."<sup>1</sup>

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.<sup>2</sup>

6. Now, 120 days later, Dr. Karadzic would like to discuss the following topics at a status conference:

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

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

## Health

7. Dr. Karadzic has been ill since 18 August 2015, suffering pain, loss of balance, and exhaustion from a condition that has not yet been identified. He has also requested to undergo a complete battery of medical tests to determine the functioning of his various organs—tests which have not been conducted since he arrived at the Detention Unit seven years ago.

8. Dr. Karadzic also had a recent periodic blood test to measure his blood sugar levels, which have been higher than normal. He wishes to inform the Trial Chamber of the results once he receives them.

9. Dr. Karadzic notes that in denying his most recent request for a status conference, the Trial Chamber said that “the Accused’s own well-being and his health are of the utmost importance to the Chamber.”<sup>3</sup> Dr. Karadzic respectfully requests that the Trial Chamber, or one of its judges, take a few minutes away from the difficult task of preparing its final judgement to allow him to be heard on issues related to his health.

## Conditions of Detention

10. With the recent passing of General Mile Mrskic, Dr. Karadzic cannot help but once again express his grave concern at the abnormally high rate of disease among his fellow detainees.<sup>4</sup> While he understands that the Trial Chamber has refused his earlier request to address this issue at a status conference, he believes that only public awareness of this serious issue can result in the will on behalf of the United Nations to investigate whether environmental or other causes in the United Nations Detention Unit are responsible for this high rate of disease. He would therefore like the opportunity to address the Trial Chamber on these issues related to the conditions of his detention at a status conference.

## Continuing Disclosure Violations by the Prosecution

11. Dr. Karadzic continues to be concerned about the prosecution’s continuing violation of its disclosure obligations well after his trial has ended.

12. He recognizes that the Trial Chamber has indicated that it does not wish to

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<sup>3</sup> *Id* at para. 7

<sup>4</sup> 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)

discuss issues of disclosure at a status conference.<sup>5</sup>

13. However, the proceedings are now more advanced and the danger of exculpatory evidence being withheld until after the Trial Chamber's judgement is more acute.

14. Dr. Karadzic will be filing his *102<sup>nd</sup> Motion for Finding of Disclosure Violation and for Remedial Measures* on 30 September 2015 as directed by the Trial Chamber.<sup>6</sup> However, the prosecution is yet to complete its disclosure of Rule 70 exculpatory information, nor has it made any disclosures of the Rules of the Road material it had said in June that was being withheld pending consultation with Bosnian prosecution authorities.<sup>7</sup>

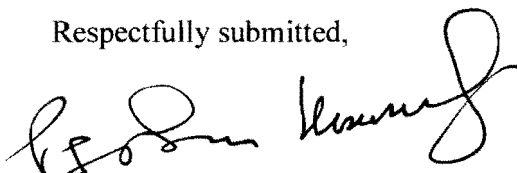
15. Dr. Karadzic believes that the Trial Chamber should take a pro-active role in ensuring that all exculpatory material is disclosed to him prior to issuing its judgement. He would like to address at a status conference some of the steps that the Trial Chamber can take, and believes that the Trial Chamber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

### **Conclusion**

16. For any and all of the above reasons, Dr. Karadzic respectfully requests that a status conference be held in his case on 28 or 29 September 2015.<sup>8</sup>

Word count: 1119

Respectfully submitted,



Radovan Karadzic

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<sup>5</sup> *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

<sup>6</sup> *Decision on Accused's Ninety-Eighth and Ninety-Ninth Disclosure Violation Motions* (8 June 2015) at para. 18

<sup>7</sup> *101<sup>st</sup> Motion for Finding of Disclosure Violation and for Order for Disclosure: Djordje Ristanic* (2 July 2015) at Annexes B and D

<sup>8</sup> 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.