



Case No. MICT-13-55-ES
Prosecutor v. Radovan Karadžić

PUBLIC

**DECISION ON CONDITIONS OF DETENTION: LISTENING AND MONITORING OF
TELEPHONE CALLS**

THE REGISTRAR,

RECALLING the Statute of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) as adopted by the Security Council under Resolution 1966 (2010) of 22 December 2010;

RECALLING the Rules of Procedure and Evidence of the Mechanism as adopted by the Judges of the Mechanism on 8 June 2012, as subsequently amended (“Rules”);

NOTING the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Mechanism or Otherwise Detained on the Authority of the Mechanism as adopted on 5 November 2019 (“Rules of Detention”);

NOTING Rule 71(1) of the Rules of Detention according to which the detainees shall have the right to receive visits from and to communicate with family, friends and others by letter, telephone, or other means on a regular basis;

NOTING Rule 74(1) of the Rules of Detention according to which a detainee who wishes to use the communication facilities shall inform the Commanding Officer and request prior approval if it is likely that the communication will result in the public dissemination of information in any form;

NOTING Rule 71(2) of the Rules of Detention which provide that the Commanding Officer, in consultation with the Registrar, may impose restrictions or conditions, including monitoring on communications, if he or she considers that this is necessary for the administration of justice, the security and good order of the Detention Unit or the health or safety of any person;



NOTING Regulation 11(B) of the Regulations on the Supervision of Visits to and Communications with Detainees (“Regulations on Visits and Communications”), which provides that if the Registrar has reasonable grounds to believe that a Detainee may have committed or may be committing an offence, he or she may order the Detention Unit to listen to and summarize non-privileged telephone conversations of that Detainee;

NOTING that Mr. Radovan Karadžić (“Detainee”) was transferred to the Seat of the Tribunal on 30 July 2008 and is currently detained at the United Nations Detention Unit (“UNDU”);

NOTING that on 20 March 2019 the Appeals Chamber sentenced the Detainee to life imprisonment, and that he is currently awaiting transfer to a state where his sentence will be enforced;

NOTING that the External Relations Office of the Mechanism has advised the Registrar that on the evening of 3 May 2019 the Detainee appeared to have participated in a public event (lecture/discussion) in Podgorica, Montenegro;

CONSIDERING that the Commanding Officer had not given the Detainee prior approval to use the communication facilities available at the UNDU to publically disseminate information in any form;

CONSIDERING that a breach of the Rules of Detention constitutes an Offence under the Regulations on Visits and Communications;

CONSIDERING therefore, that there are reasonable grounds to believe that the Detainee may have committed an Offence;

CONSIDERING that monitoring of and listening to the Detainee’s recent, past and future non-privileged telephone calls for a certain period of time is necessary to investigate the possible Offence and thereby help to ensure the security and good order of the UNDU and is in the interest of the administration of justice;

HEREBY ORDERS, pursuant to Regulation 11(B)(i) of the Regulations on Visits and Communications, that the Commanding Officer of the UNDU listens to and summarizes the



Detainee's non-privileged telephone conversations for the past 5 (five) days back to and including 1 May 2019;

HEREBY FURTHER ORDERS, pursuant to Regulation 11(B)(ii) of the Regulations on Visits and Communications, that the Commanding Officer of the UNDU listens to and summarizes any future non-privileged telephone calls by the Detainee, as necessary, effective 6 May 2019, for a period of 7 (seven) days.


Olufemi Elias
Registrar

Dated this 6th day of May 2019

At The Hague,
The Netherlands.



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