

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-55-ES
Date: 30 April 2020
Original: English

BEFORE THE PRESIDENT

Before: Judge Carmel Agius, President

Registrar: Mr. Olufemi Elias

Date: 30 April 2020

PROSECUTOR

v.

RADOVAN KARADŽIĆ

***PUBLIC*
WITH PUBLIC REDACTED ANNEX**

**PUBLIC REDACTED VERSION OF THE REGISTRAR'S DECISION
ON MR. KARADŽIĆ'S COMPLAINT CONCERNING THE
COMMANDING OFFICER'S DECISION TO DENY HIS COMPLAINT
IN RELATION TO VIDEO CALLS AT THE UNITED NATIONS
DETENTION UNIT**

**Pro Bono Counsel for Mr. Radovan Karadžić:
Mr. Peter Robinson**

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals and in accordance with the President's "Decision on Request for Review of Registrar's Decision on Video Communications" of 16 April 2020,¹ I respectfully file a public redacted version of my confidential "Decision on [Mr. Karadžić's] complaint concerning the Commanding Officer's decision to deny [his] complaint in relation to video calls at the United Nations Detention Unit" dated 24 July 2019.
2. The Registry remains available to provide any further information that may be required.

Respectfully submitted,



Olufemi Elias
Registrar

Done this 30th day of April 2020
At The Hague,
The Netherlands.

¹ *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-ES, Decision on Request for Review of Registrar's Decision on Video Communications, Confidential, 16 April 2020.

PUBLIC REDACTED

ANNEX



REDACTED UNCLASSIFIED VERSION

24 July 2019

Regarding: Decision on your complaint concerning the Commanding Officer's decision to deny your complaint in relation to video calls at the United Nations Detention Unit

Dear Mr. Karadžić,

I refer to your complaint dated 10 July 2019 (“Complaint”), concerning the decision of the Commanding Officer of 3 July 2019 on your complaint of 28 June 2019 (“28 June Complaint”). In the Complaint you submit that the Commanding Officer of the United Nations Detention Unit (“UNDU”) erred in refusing to address the substance of the 28 June Complaint, which contended that the UNDU must provide video calls to detainees “as a matter of right.”

I note that there is no right to video communication for detainees of the UNDU in the Rules of Detention or the applicable Regulations. However, as repeatedly reported on by the Registry, the UNDU has been engaged since September 2017 in a comprehensive pilot project on video communication for detainees at the UNDU to determine how and whether video communication can be used by detainees in a reliable, safe and secure manner, in line with the Mechanism’s Rules of Detention. I submitted a report to the President on the progress of the pilot project on 14 February 2019, and informed the President in my subsequent submission of 3 April 2019 that I would submit a further report once meaningful results have been produced by the testing and risk assessment phase of the pilot program. Given that the 28 June Complaint asserted – consistent with your previous complaints – that the UNDU had “fail[ed] to make video calls available to me and my fellow detainees” and explicitly acknowledged that a Motion to compel the Registrar to submit progress reports on the pilot program dated 14 March 2019 was still pending before the President, I find no error in the Commanding Officer’s decision to dismiss your Complaint since the matter is before the President.

On 23 July 2019, subsequent to the issuance of his decision on your Complaint, the Commanding Officer submitted a report to me on the outcome of the testing and risk assessment phase of the pilot project, which I filed on the record before the President.¹ In his report the UNDU Commanding Officer identified, *inter alia*, a high security risk associated with the video communication system at the UNDU which cannot be effectively mitigated, and accordingly recommended that the pilot project be terminated. As noted in my submission of 23 July 2019, I have accepted the recommendation of the UNDU Commanding Officer and have decided not to proceed with the third phase of the pilot project. I have instead instructed the Commanding Officer to explore other means of communication, such as e-mail, that may enhance the communications of detainees at the UNDU. In addition, the Registry shall continue to monitor the progress with respect to the implementation of the Dutch Custodial Institutions Agency’s project to establish a nationwide secure platform for video communications.

¹ *Prosecutor v. Radovan Karadžić*, MICT-13-55-ES, Registrar’s Submission on the Video Communication Pilot Project at the United Nations Detention Unit, public with confidential and *ex parte* annex, 23 July 2019.

In view of the above, and pursuant to Rule 93 of the Rules of Detention and Regulation 8 of the Complaints Procedure, I deny your Complaint.

In accordance with Regulation 10(A) of the Complaints Procedure, you have the right to make a complaint to the President of the Mechanism challenging this Decision within fourteen (14) calendar days of the notification of this Decision.

Yours sincerely,



Olufemi Elias
Registrar

To: Mr. Radovan Karadžić, UNDU

Copy: Mr. Peter Robinson, Pro bono Counsel for Mr. Karadžić, per e-mail
REDACTED Commanding Officer, UNDU



I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
			<input checked="" type="checkbox"/> Other/ <i>Autre</i> : Registry
Case Name/ Affaire :	Prosecutor v. Radovan Karadzic	Case Number/ Affaire n° :	MICT-13-55-ES
Date Created/ Daté du :	30 April 2020	Date transmitted/ Transmis le :	30 April 2020
		No. of Pages/ Nombre de pages :	5
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S
			<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
Title of Document/ Titre du document :	Public Redacted Version of the Registrar's Decision on Mr. Karadžić's Complaint Concerning the Commanding Officer's Decision to Deny his Complaint in Relation to Video Calls at the United Nations Detention Unit		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
Document type/ Type de document :			
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input checked="" type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input checked="" type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
<input type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe)</i>
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Translation/ Traduction en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>
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