



**Case No. MICT-13-56-A**  
***Prosecutor v. Ratko Mladić***

**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 Tribunal or Otherwise Detained on the Authority of the Tribunal as adopted by the International Criminal Tribunal for the former Yugoslavia (“Tribunal”) on 5 May 1994, as subsequently amended (“Rules of Detention”), which apply *mutatis mutandis* before the Mechanism;

**NOTING** Rule 58(C) of the Rules of Detention by which the Registrar may order that non-privileged telephone conversations be recorded or monitored as provided for in the Regulations to Govern the Supervision of Visits to and Communications with Detainees (“Regulations on Visits and Communications”), which apply *mutatis mutandis* before the Mechanism;

**NOTING** that Mr. Ratko Mladić (“Detainee”) was transferred to the Seat of the Tribunal on 31 May 2011 and is currently detained at the United Nations Detention Unit (“UNDU”) pending the pronouncement of the Judgement on Appeal in the proceedings against him;

**NOTING** that the Registrar was advised that on the morning of 16 November 2018 the Detainee appeared to have directly participated in a televised talk show by using the non-privileged telephone



line at the UNDU, by telephoning his son, who was present at the talk show and who invited the Detainee to speak on the show;

**CONSIDERING** that the Registrar had not given the Detainee prior approval to use the communication facilities available at the UNDU to contact the media, directly or indirectly;

**CONSIDERING** that Rule 64*bis* (A) of the Rules of Detention prohibits the use by detainees of the communication facilities available at the UNDU with the sole purpose of contacting the media directly or indirectly, without prior approval of the Registrar;

**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 ensure the security and good order of the UNDU and is in the interests of the administration of justice;

**HEREBY ORDERS** the Commanding Officer of the UNDU, pursuant to Rule 58(C) of the Rules of Detention and Regulation 13(B)(i) of the Regulations on Visits and Communications, to listen to and summarise the Detainee's non-privileged telephone conversations for the past 7 (seven) days including 16 November 2018, the date of the possible breach of the Rules of Detention;

**HEREBY FURTHER ORDERS** the Commanding Officer of the UNDU, pursuant to Rule 58(C) of the Rules of Detention and Regulation 13(B)(ii) of the Regulations on Visits and Communications, to listen to and summarise the Detainee's future non-privileged telephone calls, as necessary, effective 16 November 2018, for a period of thirty days.

  
Olufemi Elias  
Registrar



Dated this 16<sup>th</sup> day of November 2018

At The Hague,

The Netherlands.