



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-95-5/18-T

Date: 12 May 2015

Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Decision of: 12 May 2015

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON ACCUSED'S REQUEST FOR STATUS CONFERENCE

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the Accused’s “Request for Status Conference” filed on 23 April 2015 (“Request”), and hereby issues its decision thereon.

I. Background and Submissions

1. The Accused requests that the Chamber hold a status conference sometime between 1 and 9 June 2015 pursuant to Rule 65 *bis* (A) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) so that he can make oral submissions on the following issues: i) his health; ii) the conditions of detention at the United Nations Detention Unit (“UNDU”); iii) the continuing disclosure violations by the Prosecution; as well as iv) other issues.¹

2. In relation to his health, the Accused wishes to address the Chamber on the results of his most recent blood tests, which he appends in public Annex D.² With regard to the conditions of his detention, the Accused refers to the President’s decision upholding the Registrar’s decision in which the latter refused to allow the Accused to use a microphone device for the purpose of recording an audio-dictionary of the Serbian language. He also wishes to address the Chamber generally on conditions of detention for him and other detainees at the UNDU.³ Third, the Accused states that he continues to be concerned about the continuing disclosure violations by the Office of the Prosecutor (“Prosecution”) and wishes to make oral submissions on some of the remedial steps the Chamber could take.⁴ Finally, the Accused submits that a status conference would provide the Chamber with an opportunity “to call to the parties’ attention any matters in the record that require remedies” and to update the parties as to the anticipated delivery date of its judgement.⁵

3. The Prosecution filed the “Prosecution Response to Request for Status Conference” on 6 May 2015 (“Response”), opposing the Request on the basis that the Accused has failed to identify any issue that requires resolution through a status conference.⁶ On the issue of health, the Prosecution submits that the Accused fails to seek any specific relief from the Chamber, explain why these health matters must be raised orally, or show how another status conference could

¹ Request, paras. 1, 21.

² Request, paras. 6–10.

³ Request, paras. 11–13.

⁴ Request, paras. 14–18.

⁵ Request, paras. 19–20.

⁶ Response, para. 1.

advance any issues related to his health.⁷ The Prosecution further argues that the Accused does not identify any issue relating to conditions of detention that would warrant holding a status conference and which the Chamber could resolve orally.⁸ With regard to disclosure, the Prosecution contends, likewise, that the Accused has failed to identify why a status conference is warranted to address this topic beyond written motion practice or through additional inter-party correspondence.⁹ Finally, in relation to the last item, the Prosecution submits that the Chamber can initiate, *proprio motu*, such communication with the parties should the Chamber deem it necessary.

II. Applicable Law

4. Rule 65 *bis* (A) of the Rules provides:

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.

III. Discussion

5. The Chamber notes that in the “Decision on the Accused’s Request for Status Conference” issued on 8 January 2015, it held that the issue of disclosure violation has been and continues to be highly litigated in this case and that there is no specific issue not addressed in writing which warrants the holding of a status conference.¹⁰ This is still the case and the Chamber will issue written decisions on the two motions on this topic currently pending before it in due course.¹¹ There is thus nothing on disclosure related matters that warrants holding a status conference.

6. In relation to his own conditions of detention, the Accused first refers to the President’s decision on the use of a microphone at the UNDU to record an audio dictionary of the Serbian language.¹² There is no related remedy sought before the Chamber. The Accused also mentions

⁷ Response, para. 2.

⁸ Response, para. 3.

⁹ Response, para. 4.

¹⁰ First Decision on Accused’s Request for Status Conference, para. 6.

¹¹ See 98th Motion for Finding of Disclosure Violation and for Remedial Measures, 30 April 2015; 99th Motion for Finding of Disclosure Violation and for Remedial Measures, 4 May 2015.

¹² Request, para. 11.

the “continued deterioration in the health of his fellow detainees”.¹³ The Chamber shall not entertain concerns of a general nature which do not relate to the Accused personally. There are legal fora in which the individual detainees concerned may raise these issues, but this Chamber is not one of them.¹⁴

7. The Accused’s own well-being and his health are of the utmost importance to the Chamber. The Chamber has taken note of the Accused’s blood results, but without any specific remedy sought in the Request on this issue, the Chamber sees no reason to convene a status conference.

8. Finally, at this stage, there are no specific issues to which the Chamber wishes to call the parties’ attention. As far as the date for the delivery of the Judgement is concerned, the Chamber will issue a scheduling order in due course.

9. The Chamber is therefore not satisfied that the issues identified in the Request warrant the holding of a status conference.

IV. Disposition

10. Accordingly, the Chamber, pursuant to Rules 54 and 65 *bis* (A) of the Rules, hereby **DENIES** the Request.

Done in English and French, the English text being authoritative.



Judge O-Gon Kwon
Presiding

Dated this twelfth day of May 2015
At The Hague
The Netherlands

[Seal of the Tribunal]

¹³ Request, para. 13.

¹⁴ See UNDU Regulations for the Establishment of a Complaints Procedure for Detainees (IT/96).