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REGISTRY

GREFFE

The Hague, 12 December 2003
JL/P.I.S./810e

REGISTRY IMPOSES COMMUNICATION RESTRICTIONS ON DETAINEES WITH REGARD TO POLITICAL CAMPAIGNING IN THE MEDIA FROM THE TRIBUNAL'S DETENTION UNIT

On 11 December 2003, the Deputy Registrar of the Tribunal, David Tolbert, issued two Decisions concerning the rights of detainees in the Tribunal's Detention Unit to use communications privileges for the purpose of political campaigning in the media. The Decisions were specifically taken with a view to two Accused, Slobodan Milošević and Vojislav Šešelj. Both Accused were notified today, 12 December 2003.

Before issuing the Decisions, the Deputy Registrar took into account, among other things, the following:

- Rule 2 of the Rules of Detention, which provides that the United Nations “*shall retain the ultimate responsibility and liability for all aspects of detention*”;
- that the Accused are candidates in the Serbian parliamentary elections scheduled to be held on 28 December 2003;
- that the Commanding Officer of the United Nations Detention Unit has received reports that the Accused had recently made statements to their political parties and supporters, using communication facilities provided by the Detention Unit and with the intention of having these statements subsequently being reported in the media;
- that Rule 63(B) of the Rules of Detention provides that “[t]he Registrar may refuse to allow a person to visit a detainee if he has reason to believe that the purpose of the visit is to obtain information which may be subsequently reported to the media” in accordance with the proper administration of justice and that it follows from this Rule and the principle on which it is founded, that communication between a detainee and others may be prohibited if there are reasons to believe that such communications would lead to a detainee's statements appearing in the media, particularly if the effect of such statements is to undermine the Tribunal's mandate to assist in the restoration and maintenance of peace in the former Yugoslavia;
- that the facilities provided by the Detention Unit are intended for the well-being of the Accused and not for purposes that frustrate the Tribunal's function to assist in establishing peace and security in the former Yugoslavia and that the fact that a detainee at the Detention Unit has communicated with the aid of facilities provided by the Detention Unit to participate in an ongoing Serbian parliamentary election campaign is such an occasion that is likely to frustrate the Tribunal's mandate;

Internet address: <http://www.un.org/icty>

Public Information Services/Press Unit

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Tel.: +31-70-512-5356; 416-5343 Fax: +31-70-512-5355

The Deputy Registrar decided, pursuant to Rules 60 and 63 of the Rules of Detention, for a period of 30 days following the Decisions, to:

- (i) *“Prohibit communication, via telephone between the Accused with any person(s) (particularly with the media), such prohibition shall not apply to telephone communication with his immediate family, legal counsel (where applicable), diplomatic or consular representatives on condition that this facility shall not be used in any manner to contact the media;*
- (ii) *All authorised telephone conversations, except for communications with recognised legal representatives (if any) and diplomatic or consular representatives, shall be monitored;*
- (iii) *Prohibit all visits between the Accused with any person(s) (particularly with the media), such prohibition shall not apply to visits with his immediate family, legal counsel (where applicable), diplomatic or consular representatives;*
- (iv) *All authorised visits shall be supervised at the discretion of the Commanding Officer of the Detention Unit or an official he designates.”*

The full texts of the Decisions are available on the Tribunal’s website at www.un.org/icty and from the Press Office.