

**Report to the ICTY Registrar on the Independent
Administrative Review regarding The Death of Slobodan
Praljak in the Custody of the ICTY**

Hassan B. Jallow

29 December 2017

Table of contents

1. Introduction	3
1.1 Mandate and scope of inquiry	3
1.2 Methodology	3
1.3 Acknowledgment	4
2. Legal framework	5
3. Relevant facts concerning Slobodan Praljak and the events on 29 November 2017	13
3.1 The case against Mr Praljak	13
3.2 The health of Mr Praljak	13
3.3 The detention of Mr Praljak	15
3.4 The events on 29 November 2017	16
3.5 Management of keys at the ICTY premises	20
3.6 Training of UNDU and Security Officers	20
4. Conclusions	21
5. Recommendations	25
Annex A	27
Annex B	29

1. Introduction

1.1 Mandate and scope of inquiry

1. On 29 November 2017, Slobodan Praljak committed suicide in Courtroom 1, the International Criminal Tribunal for the former Yugoslavia (“ICTY”). After the pronouncement of the judgment against him, confirming a sentence of 20 years of imprisonment, Mr Praljak stood up. He shouted in BCS that he was not a war criminal and that he did not recognize the verdict. After that, he took a small bottle from his pocket and drank the contents. He then stated that he had taken poison. Within seconds he became ill, gasping for breath, rapidly losing consciousness. The court session was suspended and ICTY Security, the United Nations Detention Unit (“UNDU”) doctor, and the ICTY nurse provided first aid, until they were relieved by Dutch emergency medical personnel. About one hour and 40 minutes later, Mr Praljak was transported by ambulance to the HMC Hospital in The Hague, where he was later pronounced dead.¹

2. On 1 December 2017, the ICTY Registrar initiated an independent administrative review focusing on the ICTY security and detention operations relevant to the incident of 29 November 2017. The review was led by Justice Hassan B. Jallow, Chief Justice of the Gambia, and he was assisted by independent experts with extensive national and international experience in detention matters and security policies and procedures.² The experts on security policies and procedures included a high-level team from the United Nations Division of Headquarters Security and Safety Services in New York.

3. The findings of this review are set out in this Report.

1.2 Methodology

4. The Administrative Review included an inventory and review of relevant international and ICTY-specific rules on detention and the security procedures surrounding transport and holding detainees at the ICTY premises. The Review further included interviews with 23 ICTY and MICT staff members, including UNDU and Security Officers, in order to establish the facts of the events on 29 November 2017.³ It also included a review of video footage from the UNDU and the

¹ A detailed account of the events on 29 November 2017 is included in Chapter 3.

² Terms of Reference, Independent Administrative Review on the Death of Slobodan Praljak, signed by ICTY Registrar John Hocking, 14 December 2017. *See also* ICTY Press Release “ICTY initiates independent expert review regarding the passing of Slobodan Praljak”, 1 December 2017.

³ [Redacted]

premises of the ICTY, including the courtrooms, and of documentation concerning Mr Praljak and the events on the relevant day. The Review further included a visit to the UNDU and sites at the ICTY premises, including Courtroom 1 and the holding cells.⁴

5. As part of the Administrative Review, Mrs Praljak, the Defence team of Slobodan Praljak, and representatives of the Croatian Embassy were invited to provide input to the inquiry. No responses have been received from Mrs Praljak or the Defence team of Slobodan Praljak. On 21 December 2017, Mr Jallow met with the Ambassador and the Minister Counsellor of the Embassy of the Republic of Croatia to The Netherlands. Finally, Mr Boudewijn de Jonge, Public Prosecutor, provided information about the progress of the criminal investigation in connection with Mr Praljak's suicide. On 22 December 2017, the Ministry of Justice and Security provided information about the transport of Mr Praljak from the UNDU to the premises of the ICTY on 29 November 2017.

6. Interim reports dealing with security practices and procedures ("Security Report") and detention procedures and processes ("Detention Report") were submitted to Mr Jallow on 20 and 21 December 2017, respectively. These reports have been taken into account for the current report, and are in some parts explicitly incorporated by reference. **[Redacted]**

1.3 Acknowledgement

7. I wish to express my gratitude to the independent experts on detention matters and security policies and procedures, who provided invaluable insight into their respective areas of expertise. I also acknowledge the full availability of ICTY staff who stood ready to provide all the information necessary to complete the Administrative Review within the short deadline provided.

⁴ Only some of the material reviewed is explicitly referred to in this Report. However, all of it has been carefully considered. The material will be handed over to MICT Registry for archiving.

2. Legal framework for management of detainees

8. The United Nations Standard Minimum Rules for the Treatment of Prisoners (“the Nelson Mandela Rules”)⁵, adopted unanimously by the UN General Assembly, set out “what is generally accepted as being good principles and practice in the treatment of prisoners and prison management”⁶. Among its basic principles, the Rules state that “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings”.⁷ This must always be the overriding consideration in the management of places of detention. The Rules further set out, in relevant part:

Rule 50

[...]Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.

Rule 51

Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner’s privacy. For the purpose of accountability, the prison administration shall keep records of searches, in particular strip and body cavity searches, as well as the reasons for the searches, the identities of those who conducted them and any results of the searches.

Rule 52

1. Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. [...]

9. The ICTY Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Tribunal or Otherwise Detained on the Authority of the Tribunal⁸, adopted by the Judges of the ICTY, set out in relevant part:

Medical services

Rule 35

⁵ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), UNGA Res. 70/175, UN doc. A/RES/70/175 (8 January 2016).

⁶ *Ibid.*, Preliminary observation 1.

⁷ *Ibid.*, Rule 1.

⁸ Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Tribunal or Otherwise Detained on the Authority of the Tribunal, as amended on 15 November 2016.

(A) [...] [T]he Medical Officer shall advise the Commanding Officer if the medical condition of a Detainee or the treatment necessary for that condition requires a change in the conditions of detention.

(B) The Medical Officer shall report immediately to the Commanding Officer whenever he considers that the physical or mental health of a Detainee has been or will be adversely affected by any condition of his detention.

(C) The Commanding Officer shall immediately submit the report to the Registrar who, after consultation with the President, shall take all necessary action.

Rule 38

(A) The Commanding Officer of the Detention Unit may decide upon the search of a Detainee's cell if he suspects that the cell contains an item which constitutes a threat to the security or good order of the Detention Unit or the Host Prison, or the health and safety of any person therein. Any such items found in the cell of the Detainee shall be confiscated pursuant to Rule 74.

10. The ICTY Regulations to Govern the Supervision of Visits to and Communications with Detainees⁹ read in relevant part:

Regulation 8

(A) All incoming mail shall be subject to inspection and the security rules of both the Host Prison and the Detention Unit, including the use of X-ray machines and other detectors.

[Redacted]

Regulation 18

(A) Except as otherwise provided in Regulation 20, all visitors must apply to the Registrar for permission to visit a detainee.

Regulation 21

(A) To enter the Host Prison and Detention Unit, all visitors must:

[...]

⁹ Regulations to Govern the Supervision of Visits to and Communications with Detainees, as amended in June 2015.

(ii) Comply with the security of both the Host Prison and the Detention Unit, as determined by the General Director of the Host Prison and the Commanding Officer, including but not limited to X-ray examination of possessions and personal searches.

11. [Redacted]

12. [Redacted]

3. Relevant facts concerning Slobodan Praljak and the events on 29 November 2017

3.1 The case against Slobodan Praljak

13. Slobodan Praljak, born 2 January 1945, was indicted on 4 March 2004 for crimes committed in Central Bosnia in 1993.¹⁰ The Indictment, which was amended on 16 November 2005 and 11 June 2008, includes counts of crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws and customs of war.¹¹ Mr Praljak was transferred to the ICTY on 5 April 2004.¹² He was detained at the UNDU since that date. On 29 May 2013, Trial Chamber III convicted Mr Praljak on counts of crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws and customs of war.¹³ The Trial Chamber sentenced him to 20 years' imprisonment.¹⁴

3.2 The health of Mr Praljak

14. In 2014, Mr Praljak experienced [redacted]. According to an expert medical report dated 23 June 2016, “[h]is history [redacted] – increases the risk of a new [redacted]”. Following [redacted], appropriate medical treatment was identified and suggested to Mr Praljak. According to [redacted] and available medical documentation, Mr Praljak was only partially compliant with the recommended treatment. The health risks of not complying with the treatment were clearly explained to Mr Praljak and it was [redacted] impression that he was aware of the risks involved.

15. [Redacted]

16. The Medical Unit and UNDU management were in continued communication about Mr Praljak's health and his partial refusal for treatment. Information about Mr Praljak's health was also communicated to the Registrar and the President and led, among other things, [redacted] and to the request for and submission of the mentioned expert medical report of 23 June 2016. Information provided through the interviews and the available medical documentation clearly demonstrates the continuous efforts by the Medical Unit and the UNDU management to carefully deal with a

¹⁰ *Prosecutor v. Jadranko Prlić et al.*, Indictment, Case IT-04-74, 2 March 2004.

¹¹ *Prosecutor v. Jadranko Prlić et al.*, Amended Indictment, Case IT-04-74, 16 November 2005; *Prosecutor v. Jadranko Prlić et al.*, Amended Indictment, Case IT-04-74, 11 June 2008.

¹² *See Prosecutor v. Jadranko Prlić et al.*, Order on Provisional Release of Slobodan Praljak, Case IT-04-74, 30 July 2004, para. 3.

¹³ *Prosecutor v. Jadranko Prlić et al.*, Judgement, Case IT-04-74, 29 May 2013.

¹⁴ *Prosecutor v. Jadranko Prlić et al.*, Judgement, Case IT-04-74, 29 May 2013, Vol. 4, p. 430.

complex situation involving Mr Praljak's need for certain medical treatment, but refusal to accept this.

17. **[Redacted]**

18. **[Redacted]** explained that there were no signs of suicide- or self-harm tendencies that required the taking of any particular actions or measures at the UNDU. Notwithstanding that, because of his medical history and his refusal to accept certain treatment, Mr Praljak was already under very close watch by the Commanding Officer and the Medical Unit at the UNDU. As explained above, this included an intense monitoring regime.

19. Before the Appeal hearing, **[redacted]** reported on two occasions that Mr Praljak was clearing his cell of his possessions and that this was a change of his behaviour. Both of these reports were raised at the UNDU management meetings and with the Registrar's office. Considering that other detainees were also clearing their cells of redundant possessions it was considered that there was no reason to make alterations to the monitoring regime. The mentioned behaviour is, according to UNDU staff members who were interviewed, normal for detainees who are approaching their final judgment, as a preparation for their release or transfer to another facility.

20. With regard to the hearing on 29 November 2017, **[redacted]** explained that plans had been drawn up for increased monitoring when Mr Praljak returned to the UNDU on that day. These plans included all defendants but proposed responses were tailored to the individual.

21. **[Redacted]**

3.3 The detention of Mr Praljak

22. The UNDU is located in Building 4 of the Dutch Ministry of Justice and Security Penitentiary Institute Haaglanden, which is located in Scheveningen, The Hague. The detention facility operates as a distinct unit within the prison and maintains its own security procedures. However, any person entering the UNDU must pass two layers of security; that of the Dutch prison and that of the UNDU. The relationship with the Host Prison and the Ministry is managed via a Services and Facility agreement providing staff, building, activities, medical services, and food for detainees. However, the UNDU operates according to its own rules and with its own management structure.

23. As mentioned above, Mr Praljak was detained on 5 April 2004. He was on provisional release during the following periods: **[Redacted]**

24. [Redacted] explained that when a detainee enters “the chain of custody”, upon initial arrest and after returning to the UNDU after provisional release, a full-body search would be conducted. A full-body search would therefore have been done for Mr Praljak on numerous occasions [redacted]. A detainee would only be subject to an intimate orifice search in the event of intelligence indicating that an attempt to smuggle was being made and only this level of search would uncover the item. [Redacted] informed that there were no records of these searches of Mr Praljak and he described this as “an area of omission”. He stated: “All of the instructions to perform a full body search upon admission has been done verbally at preparation meetings and the outcome advised by the [UNDU Officer] to the [UNDU Commanding Officer] when the detainee was handed over for admission interview”.

25. [Redacted] [Redacted] stated that visual inspections of Mr Praljak’s cell were taken place on a daily basis. However, Mr Praljak’s cell had never been searched throughout his years at the UNDU, since there was no intelligence indicating that this would be necessary.

3.4 The events on 29 November 2017

26. The following account of the events on 29 November 2017 is based on the interviews with ICTY security and other personnel, in particular people who were in direct contact with Mr Praljak on that day, and on documentary material.

27. On 29 November 2017, [redacted] started to unlock the cell doors at 6:56 a.m. When he unlocked Mr Praljak’s door, he observed him sitting at his desk smoking. After some time Mr Praljak arrived at the guard’s room to ask for his medication. One of the officers handed him his medication. At that time, one of the officers asked him in German if he was nervous and Mr Praljak said he was feeling alright. The officer shook his hand and wished him good luck. Mr Praljak smiled and thanked the officer. The officer, who had known Mr Praljak for many years, did not notice anything out of the ordinary. Mr Praljak returned to his cell and stayed there for some time. Later he entered the recreation area, ready for transport to the premises of the ICTY. He sat on the couch, conversing with two other detainees. At 9:03 a.m., two UNDU Officers picked Mr Praljak and Mr Corić up for transport. They left the wing at approximately 9:05 a.m.

28. On the ground floor the two detainees were searched [redacted]. The officers involved stated that they carried out the search correctly and in accordance with the relevant procedures. They only discovered cigarettes and a lighter in Mr Praljak's possession. These are authorised items. Mr

Praljak was not carrying a briefcase or any other bag. Some of the interviewees noted that this was unusual for Mr Praljak. [redacted] Following this search, Mr Praljak was handed over to the Dutch Transport Police.

29. [Redacted]

30. In the morning of 29 November 2017, before the detainees arrived at the premises of the ICTY, the areas where the detainees would be held or transited through were searched. This included the holding cells, the toilet in the holding cells area, and the courtroom. As set out in further details in the Security Report, the interviews with the Security Officers showed certain inconsistencies in articulating the definite procedure for the searching of rooms. No written instructions or procedures were identified for how the searches of rooms should be conducted. In addition, on this particular day there might have been some confusion between the [redacted] teams as to whose responsibility it was to search the courtroom. As stated above, the search was carried out and this confusion might have led to certain duplication in the work. Furthermore, generally there was a lack of proper reporting up the chain of command about the searching of rooms having been completed. [Redacted]



31. Mr Praljak arrived at the premises of the ICTY at 9:24 a.m. Upon arrival in the building, he was taken into custody by Security Officers. As part of the reception process, his lunch bag was searched using an x-ray machine and he was asked how he was feeling. Mr Praljak stated that he was fine. [redacted].

32. Mr Praljak was then escorted by Security Officers to holding cell number 24 on the first floor of the building. Upon arrival, a search of his body was conducted by two Security Officers. This search was an overlapping search, including mouth and shoes. It was a pat down search and

accordingly the Security Officers are not allowed to conduct an intimate search of the private area such as the groin or between the buttocks.

33. Mr Praljak was given coffee and water and allowed to smoke his own cigarettes while he was secured in his cell. He and other detainees in adjoining cells were kept under surveillance [redacted]. Mr Praljak's defence lawyer did not visit him before the court session.

34. About 10 minutes before being brought to court (approximately 9:40 a.m.), the detainees were, in accordance with normal practice, given the opportunity to use the restroom. Mr Praljak was escorted to the toilet by one Security Officer. Although there is no door on the toilet area, Security Officers are not permitted to observe the detainee while he attends to his bodily functions. According to the standard procedure, one Security Officer was present in the corridor outside the toilet area. Mr Praljak spent approximately 30 seconds in the toilet area following which he was returned to his cell. He was not nor did the rules require him to be searched when he emerged from the toilet. [Redacted]

35. At approximately 9:50 a.m., he was escorted into court by Security Officers where he sat along with four other defendants on the accused bench. Mr Praljak was seated in the centre and one Security Officers sat at each end of the bench.

36. Once Mr Praljak was seated in court his lawyer has access to him and could pass documents, following an inspection by security. Mr Praljak's lawyer did shake hands with him. [redacted] The court session then started at 10 a.m. Nothing out of the ordinary took place and all five prisoners were calm as the verdict was read out.

37. At 11:39 a.m., immediately after hearing that his sentence of 20 years had been affirmed, Mr Praljak shouted: "Judges! Slobodan Praljak is not a war criminal. I reject your judgement with contempt."¹⁵ He then raised his hands and appeared to drink something, which later turned out was from a small bottle. During the reading of the disposition, which took approximately six minutes, Mr Praljak had kept the bottle hidden in his hands. After drinking, he stated that he had taken poison. Within seconds he became very ill, gasping for breath, rapidly losing consciousness. The bottle that Mr Praljak drank from was retrieved and is in the custody of the Dutch police [redacted]

38. During [redacted] interview, [redacted] brought a small brown glass bottle of the kind that is available at the UNDU Medical Unit. He explained that the detainees were sometimes provided with this kind of bottles with ear- and nose drops. Mr Praljak had been provided with such a bottle

¹⁵ Even though Mr Praljak does not appear to have said this into his microphone, it can be heard on the audio of the court session (presumably picked up by another microphone in the courtroom). It was not interpreted and therefore not transcribed. The ICTY transcripts are produced in English and French only; not BCS. Therefore, if something is said in BCS in court and not interpreted into English, it would not be transcribed and become part of the official transcript.

in February or March 2017. [Redacted] also explained that the Medical Unit did not systematically retrieve the bottles after use, since they are not considered dangerous items.

39. The substance taken by Mr Praljak was analysed and discovered to be potassium cyanide. It is not possible to acquire potassium cyanide legally inside the prison or from illicitly manufacturing it from items available inside prison. Potassium cyanide can be transported as a powder or dissolved in water. The amount of potassium cyanide required to make up a lethal dose is 200-300 mg (this equates in size to a single tablet).

40. Even before the court session was suspended, the Deputy Registrar (who was present in court) alerted the UNDU doctor, who already was present at the ICTY premises. He, the ICTY doctor, and the ICTY nurse, who all had been following the court session, immediately proceeded to the courtroom. In the meantime, the court session was suspended and immediate first aid was provided by ICTY Security, the UNDU doctor, and the ICTY nurse. The ICTY nurse requested defibrillator, aspirator, and oxygen cylinders, which were immediately brought. At the same time, the four other detainees were brought to their individual holding cells and secured there. Emergency medical treatment therefore began within seconds of it becoming clear that Mr Praljak had taken poison and was having breathing difficulties and losing consciousness. This treatment was provided continuously until the Dutch medical service took over.

41. Dutch emergency medical service was also alerted within seconds of the event. Many interviewees noted a certain delay of arrival of the first Dutch paramedic crew. This appears to have been due to the Dutch protocol that when an incident concerns poison, the fire service must enter the premises before any medical service. The first paramedic crew was at the ICTY premises at 11:51 a.m. but did not enter until 12:18 p.m., after the arrival of the fire brigade. At 13:22 p.m., Mr Praljak was moved to an ambulance and departed to the HMC Hospital, where he was pronounced dead at 13:48 p.m.

42. Due to judgements being transmitted simultaneously Mr Praljak's suicide was witnessed by the TV audience as well as those in court and the public gallery and very quickly became an international news story.

3.5 Management of keys at the ICTY premises

43. [Redacted]

3.6 Training of UNDU Officers and Security Officers

44. [Redacted]

4. Conclusions

45. With regard to the legal framework in place at the ICTY and the UNDU, I consider that it is in accordance with relevant international standards, in particular the Nelson Mandela Rules. Therefore I am not recommending any changes to the specific ICTY rules and regulations. As will be highlighted below, I consider that certain modifications and improvement can be made as to how the legal framework is applied.

46. The focus of the Administrative Review has been on how the poison entered the UNDU and the ICTY premises and whether there were any measures that should have been taken to prevent it from entering or to detect it once it had entered. My assessment is that, considering the small size of the substance, there were no measures consistent with the Nelson Mandela Rules that would have guaranteed detection at any stage. The Review has nevertheless pointed to some measures that could be taken in order to increase the likelihood of detection in future cases. I will outline them below.

47. It is not possible to conclusively state when and how the poison came into Mr Praljak's possession. The on-going criminal investigation before Dutch authorities might shed light on this. It is important to note at the outset that there was no intelligence available to UNDU staff or ICTY staff in general, indicating that Mr Praljak was in possession of the poison. Had such intelligence been available, further intrusive measures (with regard to searches of cells and of Mr Praljak) could have been taken. However, even if such intelligence had been available, the nature and quantity of poison was such that it could easily have remained undetected even through the most intrusive searches of persons, cells, and other areas. The small size of the object, the limitations in the rules on intrusive searches, and the nature of the screening equipment available at both the UNDU and the ICTY premises all contributed to making it difficult to detect the contraband.

48. It is possible, but unlikely, that Mr Praljak himself brought the poison to the UNDU (either when first arriving or when returning after one of the periods of provisional release), kept it in his cell, and brought it to the ICTY premises on 29 November 2017. This would require that the poison remained undetected through the full body search that was conducted on Mr Praljak when (re)entering "chain of custody". Once in his cell, the poison would remain undetected since the cell was never searched. One of the daily visual inspections done by the UNDU guards would not have revealed the presence of the poison. On 29 November 2017, Mr Praljak could have brought the poison to the premises of the ICTY by carrying it in his private area. This area was not searched and Mr Praljak knew from experience that it would not be searched. Mr Praljak could then have

removed the poison from the private area to a pocket (for example, during the toilet visit at the ICTY premises), where he could have easily retrieved it during the court session.

49. It is also possible that a visitor brought the poison to Mr Praljak at the UNDU. Visitors are not body searched. They go through a metal detector and any bags would have been x-rayed. Considering the size of the poison and that it would not have been detectable by the metal detector, the poison could have been brought to the visiting area of the UNDU. Some, although not all, visits are visually and/or audio monitored. There would have been a possibility to transfer the poison from the visitor to Mr Praljak. After every visit, Mr Praljak was searched, in accordance with the rules and practice. This would have been a normal body search, or a pat-down search, and therefore not included his private area. As described in the previous paragraph, Mr Praljak could then have kept the poison in his cell and transported it to the ICTY premises on 29 November 2017.

50. Another possibility is that Mr Praljak received the poison from someone who had access to him at the UNDU or at the ICTY premises on 29 November 2017. [Redacted] Nothing heard or received during this Review indicates that this is what happened.

51. Although certain measures could be taken to increase the chance for detection and the difficulties for bringing this kind of substance into the UNDU, it is not possible to create a 100 per cent secure system in this respect. Any measure would have to be weighed against the intrusiveness in health and privacy for the detainees themselves and for visitors. This highlights the need for effective procedures for discovering such material when kept at the UNDU and when transported between the UNDU and the ICTY premises.

52. In this respect, I note that Mr Praljak's cell at the UNDU was not searched, beyond the daily visual inspection. [Redacted] [Redacted] explained that a cell search would only be carried out at the UNDU if there were intelligence, which would indicate the need for such a search. I note in this respect, that the Nelson Mandela Rules set out that "Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity" and "Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoners privacy". I conclude that international standards therefore would allow a somewhat more intrusive regime with regard to cell searches, than that which has been applied at the UNDU. I add, however, that in this case, considering the size of the poison, it is quite possible for it to escape detection during a cell search, unless there had been intelligence indicating what to look for.

53. As has been clearly identified in the Security Report, one weak link is the detainee's toilet visits at the premises of the ICTY, in connection with attending court. This is a moment when the

detainees are completely unobserved. Although they have been searched before, this has been done through a pat-down search, which could allow for hiding objects in the private area. As clearly set out in the Security Report, there is an uncertainty and lack of protocol with regard to the exact position and role of the Security Officer during the toilet visit. Considering this, I conclude that the exact procedure for accompanying and securing a detainee before, during, and after a toilet visit should be set out in writing and be part of the training of Security Guards. This procedure should include a search of the detainee after any toilet visit.

54. [Redacted], although the relevant searches of rooms at the ICTY premises were conducted on 29 November 2017, there is a lack of clarity with regard to how such searches should be conducted, and to some extent which exact unit is responsible for them. These procedures should be written down so that they are available for all Security Officers to consult at any time and can be used during regular refresher trainings.

55. In conclusion, I consider that it is most likely that the substance made its way into the UNDU via visitors who were not subjected to body searches and/or monitoring whilst with Mr Praljak. Given the intrusive body searches effected on Mr Praljak on his first admission to the UNDU and each time he returned from provisional release the visitors remain the most probably carriers of the poison. Mr Praljak could then have kept it on his person and in his cell. He could have transferred it to his person on 29 November 2017 and whilst at the toilet in the Tribunal put it in the bottle, which he could have put in his pocket. As noted above, the rules did not require him to be searched following the toilet visit. If he had been searched, it is likely that the bottle and the substance would have been detected. A further opportunity could have been in court, when Mr Praljak held the bottle in his hands for several minutes before drinking the poison. However, the number and positions of the Security Officers in court may have made an effective intervention at this stage very difficult.

56. With regard to the immediate emergency response in the courtroom, I fully share the positive comments made in the Security Report. I conclude that this response was immediate and carried out in an exemplary manner. ICTY staff, including Security Officers, who were in and around the courtroom at the time reacted quickly and appropriately, under immense pressure. They took the steps necessary with regard to Mr Praljak and also made sure that the other detainees were quickly brought back to the holding cells and secured there.

57. During the interview, it is clear that the event of 29 November 2017 has affected many of those involved and in particular detainees and those who were in the courtroom on that day. It is therefore important to ensure that the appropriate assistance in terms of medical help and counselling is available to other detainees and ICTY staff. In this respect, I note that during the days

following the event, the Registry organised a series of debriefings for staff, involving the ICTY doctor and Staff Welfare Officer/Psychologist.

58. [Redacted]

5. Recommendations

59. My Review has not exposed any gaps or flaws in the ICTY legal framework with regard to the treatment of detainees at the UNDU and the ICTY premises and I am therefore not proposing any changes to ICTY rules and regulations. Further, the Review shows that the legal framework was complied with by UNDU Officers, Security Officers, and other ICTY staff with regard to the treatment of Mr Praljak. As set out in my Conclusions, without specific intelligence (which there was none), and remaining within the limits of the Nelson Mandela Rules, there are no measures that would have guaranteed detection of the poison at any stage. Notwithstanding this, the Review has pointed to some measures that could be taken in order to increase the likelihood of detection in future cases. Therefore, considering the material reviewed above and the conclusions set out in the previous chapter, I hereby submit the following recommendations for the ICTY Registrar's consideration:

- Introduce a random cell search regime, in addition to the regular visual inspection of cells;
- Introduce a system for proper record-keeping of all full body searches at the UNDU;
- Explore the possibilities for enhanced searches of visitors at the UNDU and of detainees following visits;
- Introduce a written procedure on how searches of rooms at the ICTY premises should be conducted;
- Introduce a system for additional and random searches of detainees at the premises of the ICTY, in particular in connection with bathroom visits or other occasions when the detainees have been unobserved;
- Consider modifications to the protocols for the number and positions of Security Officers around the accused bench in the courtrooms;
- Introduce a 30-minute delay for broadcasting of the pronouncement of judgments;
- Ensure that mandatory Courtroom Security Refresher Training for Security Officers is held regularly [redacted];
- Introduce mandatory refresher training in self-harm / suicide for all UNDU Officers;
- Welcoming the steps taken so far to assist ICTY staff to deal with the aftermath of the events on 29 November 2017, continue to take appropriate action to ensure that UNDU detainees and ICTY staff receive the proper medical and psychological assistance;

- Commend ICTY Security and medical personnel for their execution of the emergency response on 29 November 2017; and
- As appropriate, inform other international tribunal and courts, the Croatian Government, and the public of the conclusions and recommendations in the Report, and the action you take as a result.

29 December 2017
The Hague
The Netherlands

Hassan B. Jallow

Annex A

[Redacted]

Annex B

[Redacted]