

Report on the non-natural death of Mr Praljak

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The Hague Public Prosecutor's Office

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1 Introduction

This report is an account of the criminal investigation of the non-natural death of Mr Slobodan Praljak (hereinafter: Praljak) on 29 November 2017 in The Hague.

This criminal investigation was set up by the Public Prosecutor's Office in The Hague. In addition, the clerk of the International Criminal Tribunal for the former Yugoslavia (ICTY) made an explicit request to investigate Praljak's death. Therefore, the purpose of the report is also to inform the legal successor of the ICTY clerk, i.e. the International Residual Mechanism for Criminal Tribunals (MICT) clerk of the results of the investigation.

2 Reason

2.1 Start of the investigation

On Wednesday, 29 November 2017, Praljak was present when the ICTY gave its ruling against him. After having heard the verdict, Praljak shortly addressed the people present, took a sip from a small bottle and became unwell shortly afterwards.

That very day, around 11:38 hrs., the incident room of the The Hague police unit received a call that a person, who later turned out to be Praljak, had possibly taken poison while inside the ICTY building. At that point in time, it was unknown what type of poison this was. The emergency services subsequently went over there and provided assistance. Praljak was taken to the The Hague Westeinde hospital.

That same afternoon, the ICTY clerk verbally requested the Dutch authorities to set up an investigation into Praljak's non-natural death.

Under the direction of the The Hague Public Prosecutor's Office, the The Hague police then started an investigation. The investigation was carried out under the authority of two Public Prosecutors of the The Hague Public Prosecutor's Office, assisted by two assistant prosecutors.

2.2 Objectives of the investigation

The purpose of a criminal investigation is to establish whether an offence is committed under Dutch law and to enable prosecution to take place.

After Praljak's death, the suspicion arose that two offences had been committed. The first offence was violation of the Medicines Act (Section 18, Subsection 1 and Section 39, Subsection 1); the second offence was assisted suicide (Section 294, Subsection 1 of the Dutch Criminal Code).

Investigations revealed that Praljak had administered himself the potassium cyanide. Potassium cyanide doesn't fall under the Medicines Act; therefore, the suspicion of violation of the Medicines Act was abolished within short. After that, the investigation solely focused on the suspicion of assisted suicide.

2.3 Course of the investigation

The investigation started at the day Praljak died and concentrated on two elements: a forensic-pathological investigation conducted by the Forensic Investigation team of the The Hague police and the Dutch Forensic Institute (hereinafter: NFI) as well as a tactical investigation carried out by the police.

Within the applicable frameworks, the Public Prosecutor's Office directed the broadest possible criminal investigation of the relevant facts.

In addition, note was taken of the report of the Independent Administrative Review of 29 December 2017, i.e. the investigation carried out by the ICTY itself, under the direction of Mr Jallow.¹ After the provisional conclusion of the police investigation in February 2018, the police conducted some additional witness interviews by order of the Public Prosecutor's Office.

On 14 July 2018, the police wound up its investigation and on 2 August 2018, the final results came in from the NFI. The Public Prosecutor's Office subsequently assessed the results and drew up this report.

3 Forensic-pathological investigation

3.1 Establishment

The Dutch Forensic Institute (NFI) conducted an investigation of the deceased's body. On 29 November 2017, direct sampling took place for toxicological examination purposes and on 30 November 2017, a radiological examination of the body was carried out. Subsequently, an autopsy of the body was done on 1

¹ *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

December 2017. Thanks to efforts of the Croatian government, two Croatian experts were able to assist at the autopsy as observers. The findings of these examinations were laid down in a preliminary report dated 1 December 2017, of which the conclusions were already disclosed on 8 December 2017. After the autopsy, the body was released to the family on 1 December. On 5 December, the body was taken to Croatia.

The final autopsy report of the two forensic pathologist was ready on 8 March 2018. Following this final report, the Public Prosecutor's Office asked the NFI some additional questions on the origin and effect of cyanide. The answers to these questions were received on 2 August 2018.

3.2 Findings and interpretations of the pathological investigation

The urgent examination of the sampling proved that there was cyanide involved; subsequently, toxicological examination confirmed the presence of high concentrations of cyanide in the body. Cyanide is a substance that can occur in the body after having taken in cyanide salts, such as potassium cyanide. Cyanide salt is soluble in water.

In the context of blood tests, three different cyanide concentrations were established, i.e. 6,9 mg/l, approximately 5 mg/l and 10 mg/l. These are concentrations in general leading to serious toxic effects and of which it is known that people have died from them. Upon oral intake of a high dosage, death may occur within 15 to 45 minutes. The investigation also indicated the presence of hydroxocobalamin and/or cyanocobalamin that may match the medical treatment with a so-called cyano kit.

The investigation did not give any indications for other death causes or for an illness that may have played a significant role in Praljak's death. In the course of the radiological examination and the autopsy, different signs of medical interventions, typical for CPR, were established.

3.3 Conclusions of the pathological investigation

The pathological investigation comes to the conclusion that Praljak's death can be explained on toxicological grounds, i.e. by the effects of high cyanide concentrations in the body. No other cause of death was established by the autopsy.

4 Police investigation

4.1 Investigation of how the potassium cyanide was obtained

The tactical investigation focused on the reconstruction of events both prior to and on 29 November 2017. The police team carried, inter alia, out the following investigative acts:

- Viewing the available camera footage of the United Nations Detention Unit (hereinafter: UNDU) and the ICTY;
- Interviewing several witnesses, including UNDU staff, Transport & Support Unit staff of the Custodial Institutions Agency of the Dutch Ministry of Justice and Security (hereinafter: DV&O), members of the ICTY Court Handling Team, Praljak's solicitors, as well as medical staff and fire brigade staff that were at the site;
- Searching Praljak's whereabouts (his cell, the general space and locker rooms) at the UNDU;
- Listening to the telephone conversations Praljak made while at the UNDU;
- Examination of Praljak's post registration.

The following can be said about the results of these investigative acts.

4.1.1 Camera footage

No particulars were seen on the camera footage of the Penitentiary in Scheveningen other than the regular operations for preparation of the transportation from Praljak's place of detention to the Yugoslavia Tribunal.

The camera footage of the arrival at the ICTY doesn't show any relevant details. In particular, there is no evidence for him carrying or being handed out a small bottle or similar item.

Prior to the court case, Praljak went to the toilet. At this point in time, Praljak was alone in a place of which no camera footage is available. There is also no camera footage available of the time Praljak spent at the so-called holding cells. The holding cells were searched by the police at a later stage but no relevant items were discovered.

On the camera footage of the court room, Praljak can be seen when drinking from the bottle containing the liquid. It wasn't seen where he got the bottle from. It was seen, however, that during the hearing prior to drinking the content of the bottle, Praljak held both hands mostly under the table.

4.1.2 Witness interviews

In the course of the investigation, a large number of witnesses were interviewed. It should be noted that no striking discrepancies were discovered between the

various witness statements. All staff working for the UN had read and signed the written notice for UN staff, prior to being interviewed. This UN notice instructed the UN staff not to hand out or consult any internal documentation when making their statement. In addition, no information on any UN internal decision-making procedures was to be provided. It's not possible to assess whether the investigation team wasn't able to obtain relevant information due to these instructions.

No one of the UNDU staff, whether or not senior officials or medical staff involved in Praljak's detention, said that they were under the impression prior to 29 November 2017 that Praljak was considering suicide. However, many of the interviewed witnesses did mention signs during the weeks leading up to the hearing that would retrospectively match with Praljak's intention to commit suicide. It was noticed, for instance, that he said goodbye to people on various occasions and had his personal belongings packed for shipment to Croatia. In that context, some witnesses also pointed out the fact that the criminal case against Praljak would come to an end with the verdict in the appeal case, and that he was going to be transferred to a different country at some point in time in order to serve his sentence. Therefore, his remarkable behaviour was understood in that particular context.

Some witnesses pointed out Praljak's special personality, and also his special behaviour following the verdict was taken into account. None of the witnesses, however, said that, for that reason, they were taking suicide into consideration. Nevertheless, there had been concerns for quite some time since Praljak refused to take his medication. These circumstances were the reason for the OCTY to consider the hearing a risk; therefore, additional medical staff from the UNDU was present in the building at the time of the hearing.

The witness statements made by UNDU staff showed that Praljak, when he wasn't kept locked in his cell, could move around freely in several rooms at the UNDU. They were not able to say whether his cell had ever been searched; none of the witnesses remembered anything having triggered such a search.

The people involved in Praljak's transportation from the UNDU and his arrival at the tribunal, didn't notice anything particular on that day. According to the people involved, the procedures in place were complied with and nothing extraordinary was discovered in the course of the various searches. The rooms that Praljak stayed in at the tribunal as well as the court room were visually checked by tribunal security guards. No particular findings were made by the witnesses in the course of these inspections.

According to the staff involved in monitoring and guarding Praljak inside the building of the tribunal, Praljak went to the toilet shortly before the start of the hearing. This took place without any supervision. The contact with the solicitors, prior to the hearing, did take place under supervision.

What emerged from the witness statements in relation to Praljak's behaviour after having taken the liquid, is set out in the timeline in Section 4.2.

4.1.3 Search

On Thursday, 30 November 2017, a search of the rooms where Praljak had stayed at the UNDU or that he had had access to was conducted under the direction of the Examining Magistrate of the The Hague District Court. In addition, a large number of moving boxes were discovered, containing mostly file documents and data carriers. They were stored in a different room at the UNDU, apparently to be shipped. No relevant indications were found in/on them.

A computer and a note pad of Praljak's were seized. Further investigation of these items didn't reveal any relevant information. Both items were handed over to the UNDU on 17 January 2018.

A brown envelope was discovered in Praljak's cell. The envelope was addressed to one of Praljak's solicitors, i.e. Ms N. Pinter. During the search, the Examining Magistrate tried to contact the solicitor Ms Pinter. Pinter gave her oral authorisation for opening the brown envelope and any other post items. After having opened the brown envelope, it turned out to contain a smaller white envelope. There were 2 handwritten letters inside the white envelope. These short letters, dated 27 November 2017, were written in Croatian.

In the first letter, to the 'family', Praljak explicitly writes that he had already decided a long time ago to put an end to his life, if he was going to be found guilty. In the second letter, to his wife, he writes that the first letter should be disclosed in order to prevent 'gossips, lies and psychologising'.

4.1.4 Telephone conversations

Praljak's telephone conversations from May 2017 up to and including November 2017 were listened to. It's a standard procedure to record telephone conversations of detainees.² No peculiarities, which could relate to preparation or any form of assistance in Praljak's suicide, were heard in the phone conversations that were listened to.

4.1.5 Written communications

The communications Praljak had by mail with other people was also investigated. It should be noted that it wasn't established that Praljak had access to the internet. The register of the UNDU of incoming and outgoing mail in relation to

² United Nations Detention Unit Regulations to Govern the Supervision of Visits to and communications with detainees, 28 June 2015.

Praljak only contained a very small number of items over a period of several years. The register turned out not to contain any relevant information for this investigation. It should be noted that mail to solicitors wasn't opened nor entered in the pertaining register. In light of this, it should be noted that Praljak had put the aforementioned letters to his family members in an envelope that was addressed to his solicitor.

4.2 Timeline

Based on the statements made and the information from the data systems of the emergency services, a timeline was created for the medical care given to Praljak. It should be noted, however, that all times mentioned are merely approximate times, since they were mostly laid down in an incident room by one of the persons who had indirectly received the information on the events on the spot.

Shortly before 11:38 hrs, Praljak took the potassium cyanide. At that point in time, an ICTY doctor and an ICTY nurse were present in the ICTY building, as well as an UNDU doctor. The ICTY/UNDU doctor stated that, at that moment, he estimated Praljak's chances to survive to be low for three reasons:

1. In general, the success rate of CPR is low;
2. The general condition of Praljak, combined with his disorders, would make the success rate even lower;
3. In general, taking poison has a high fatality rate.

Nevertheless, as of the moment the doctor and the nurse had arrived, first medical care, such as CPR and installing a drip, was immediately provided. In the context of CPR, a balloon was used for respiration purposes and LUCAS for chest compression.

After the notification was received at the Common Incident Room around 11:38 hrs, police, fire brigade and ambulance immediately left for the ICTY. The fire brigade went there since the notification regarded an unidentified hazmat. After arrival on the sport, the fire brigade was sent off at first by ICTY security guards, however; this was around 11:48 hrs. According to a witness, this was because they felt, there was no need for the fire brigade.

The first ambulance arrived at 11:50 hrs. At the request of the ambulance staff, the fire brigade came back. When the fire brigade was back, around 11:58 hrs, the aforesaid medical staff went over to see Praljak. Shortly afterwards, they took over the CPR. The fire brigade consisted, among others, of the Hazmat Consultant, who, for security purposes of the aid workers, was to establish what substance Praljak had taken and subsequently what medical treatment had to be given. Because of the peculiar smell, it was suspected that some form of potassium cyanide had been taken. Because of the smell, it was decided to move Praljak over to a different room, in order to continue the medical treatment in that room.

Around 12:13 hrs, a helicopter arrived with additional medical staff. At some point between 12:30 hrs and 12:50 hrs, the composition of the liquid taken was established by means of a so-called HazMatID. It turned out to be a solution, containing 96% water.

Between 13:08 hrs and 13:20 hrs, Praljak was taken to the Westeinde hospital where he arrived at 13:27 hrs and died shortly afterwards, at 13:48 hrs.

5 General conclusion

Praljak committed suicide by drinking water, in which a high dose of the poisonous substance potassium cyanide was dissolved. The farewell letters that were found, his behaviour in the weeks prior to his suicide and his state of mind, as described above, indicate that considerable time before 29 November 2017 he had made a considered decision to commit suicide.

It wasn't established how or when Praljak had obtained the potassium cyanide. It can't be excluded that he already had the active substance in his possession for a (very) long time. For that reason, it was also impossible to establish whether, and if so, when he got help from anyone else to prepare his suicide.

Given the fact that the substance can be stored in its dry form and suicide only requires a very small quantity, it's not surprising that the importation or storage of the substance wasn't noticed by the UNDU staff.