



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-95-8-T

Date: 25 January 2002

Original: English  
French

**THE PRESIDENT OF THE TRIBUNAL**

**Before: Judge Claude Jorda, President**

**Registrar: Mr. Hans Holthuis**

**Decision of: 25 January 2002**

**THE PROSECUTOR**

v.

**DUŠKO SIKIRICA  
DAMIR DOŠEN  
DRAGAN KOLUNDŽIJA**

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**ORDER DESIGNATING THE STATE IN WHICH DAMIR DOŠEN  
IS TO SERVE HIS PRISON SENTENCE**

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**CONFIDENTIAL AND *EX PARTE***

**The Office of the Prosecutor:**

**Mr. Dirk Ryneveld  
Ms. Julia Baly  
Mr. Daryl Mundis**

**Defence Counsel:**

**Mr. Vladimir Petrović**

I, Claude Jorda, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter “the Tribunal”);

**NOTING** the Judgement rendered by the Trial Chamber on 13 November 2001 in the case IT-95-8-T *The Prosecutor v. Sikirica et al.*, in which Damir Došen, born on 7 April 1967, was sentenced to five (5) years’ imprisonment;

**NOTING** the above Judgement according to which the five (5) year sentence must be served until 25 October 2004 save in exceptional circumstances;

**PURSUANT** to Article 27 of the Statute of the Tribunal, Rule 103(A) of the Rules of Procedure and Evidence (hereinafter “the Rules”) and paragraphs 4 to 6 of the Practice Direction on the Procedure for the Tribunal’s Designation of the State in which a Convicted person is to serve his/ her Sentence of Imprisonment (hereinafter “the Practice Direction”);

**CONSIDERING** the confidential internal memorandum of 20 December 2001 submitted through the Registrar within the terms of paragraph 3 of the Practice Direction which enumerates the States in which Damir Došen may serve his sentence;

**CONSIDERING** the Agreement between the Government of Austria and the United Nations on the enforcement of sentences imposed by the Tribunal signed on 23 July 1999 and which came into effect on 22 August 1999;

**CONSIDERING** that the Government of Austria has indicated its agreement in principle to accept Damir Došen so that he may serve his sentence;

**HAVING CONSIDERED** all the factors set out in the Practice Direction, in particular, the place of residence of Damir Došen’s family;

**FOR THE FOREGOING REASONS,**

**DECIDE** that Damir Došen shall serve his sentence in Austria;

**INVITE** the Registrar to submit an official request to the Austrian authorities to undertake the enforcement of Damir Došen's sentence and, should the Government of Austria consent to the request, to inform me thereof and to make all the arrangements necessary for the transfer of Damir Došen to Austria;

**ORDER** that, in accordance with Rule 103(C) of the Rules, Damir Došen shall remain in the custody of the Tribunal pending his transfer to Austria;

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

Done this twenty-fifth day of January 2002  
At The Hague  
The Netherlands

\signed\

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Judge Claude Jorda  
President

**(Seal of the Tribunal)**