



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-95-16-A
Date: 5 April 2002
Original: English
French

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Claude Jorda, President

Registrar: Mr. Hans Holthuis

Decision of: 5 April 2002

THE PROSECUTOR

v.

DRAGO JOSIPOVIĆ

**DECISION ON THE "REQUEST OF THE COUNSEL OF
DRAGO JOSIPOVIĆ THAT THE CONVICTED
BE HALTED CONSIDERING THE START
OF HIS IMPRISONMENT TERM"**

CONFIDENTIAL

**The Office of the Prosecutor:
Mr. Norman Farrell**

**Defence Counsel:
Mr. Ranko Radović
Mr. Tomislav Pasarić**

I, Claude Jorda, President 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 (hereinafter “the Tribunal”);

NOTING the Appeal Judgement pronounced by the Appeals Chamber on 23 October 2001 in the case IT-95-16-A, *The Prosecutor v. Kupreškić et al*, (hereinafter “the Judgement”) in which Drago Josipović was sentenced to twelve (12) years’ imprisonment;

NOTING that the Judgement states that, save exceptional circumstances, the twelve (12) year sentence must be served until 6 October 2009;

NOTING the “Request for Review for the Convicted Drago Josipović, Based on the Rule 119 of the Rules of Procedure and Evidence” filed on 21 February 2002 (hereinafter “the Request for review”);

NOTING the “Request of the Counsel of Drago Josipović that the Convicted be Halted Considering the Start of his Imprisonment Term” filed on 28 February 2002 (hereinafter “the Request”) in which said Counsel requests the President of the Tribunal to order that Drago Josipović be kept in detention at the Tribunal’s Detention Unit in The Hague pending the Tribunal’s ruling on his Request for review. In particular, he asserts that:

- (1) For financial reasons, it would be desirable for Drago Josipović to remain incarcerated in the Netherlands until such time as the Request for review is granted;
- (2) It will be easier for him to communicate with his client if he remains in The Hague instead of serving his sentence in another country;

PURSUANT to Rule 118(A) of the Rules of Procedure and Evidence of the Tribunal which provides that a sentence pronounced by the Appeals Chamber shall be enforced immediately;

CONSIDERING that the Request for review as provided for by the Statute and Rules of the Tribunal is an exceptional appeal and in no manner constitutes a third tier of proceedings after the Appeals Chamber has rendered its judgement;

CONSIDERING that the Request for review cannot therefore suspend the enforcement of the Appeals Chamber Judgement in the case in point;

CONSIDERING the “Order Designating the State in which Drago Josipović will serve his Prison Sentence” issued by the President of the Tribunal on 18 December 2001 in which he decided that Drago Josipović would serve his sentence in Spain;

FOR THE FOREGOING REASONS,

DISMISS the Request.

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

Done this fifth day of April 2002
At The Hague
The Netherlands

(signed)

Claude Jorda
President

[Seal of the Tribunal]