



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-96-21-Abis

Date: 30 May 2002

Original: English  
French

**THE PRESIDENT OF THE TRIBUNAL**

**Before: Judge Claude Jorda, President of the Tribunal**

**Registrar: Mr. Hans Holthuis**

**Decision of: 30 May 2002**

**THE PROSECUTOR**

v.

**Zdravko MUCIĆ, Hazim DELIĆ and Esad LANDŽO**

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**DECISION OF THE PRESIDENT ON  
THE EARLY RELEASE OF ZDRAVKO MUCIĆ**

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**The Office of the Prosecutor:**

**Mr. Norman Farrell**

**Defence Counsel:**

**Mr. Tomislav Kuzmanović and Mr. Howard Morrison QC for Zdravko Mucić**

**Mr. Salih Karabdić and Mr. Tom Moran for Hazim Delić**

**Ms. Cynthia Sinatra and Mr. Peter Murphy for Esad Landžo**

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 International Tribunal”),

**NOTING** the sentencing Judgement affirmed by the Appeals Chamber on 20 February 2001 in the case IT-96-21, *The Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić and Esad Landžo* (hereinafter “the Judgement of 20 February 2001”) in which the Appeals Chamber ordered that the sentence of Zdravko Mucić be reviewed by a Trial Chamber for possible adjustment,

**NOTING** the Judgement pronounced by the Trial Chamber on 9 October 2001 sentencing Zdravko Mucić to 9 years’ imprisonment (hereinafter “the sentence”),

**PURSUANT** to Rule 101(C) of the Rules and the aforementioned Judgement which sets out that Zdravko Mucić must serve his sentence until 17 March 2005 except in exceptional circumstances,

**NOTING** Zdravko Mucić’s request for immediate release dated 4 March 2002 (hereinafter “Zdravko Mucić’s request for release”) addressed directly to the President,

**PURSUANT** to Article 28 of the Statute of the International Tribunal, Rules 123 to 125 of the Rules of Procedure and Evidence (hereinafter “the Rules”), and the Practice Direction on the procedure for the determination of applications for pardon, commutation of sentence and early release of persons convicted by the International Tribunal (IT-146, 7 April 1999) (hereinafter “the Practice Direction”) which provides that when a convicted person satisfies the conditions for early release set out by the law in force in the country where he is serving his sentence, the State concerned shall so inform the International Tribunal, pursuant to the Agreement on the enforcement of sentences into which it has entered with the Tribunal,

**CONSIDERING** that Zdravko Mucić is not serving his sentence in one of the countries signatory to the Agreement on the enforcement of sentences with the International Tribunal (hereinafter one of “the countries signatory to the Agreement on the enforcement of sentences”),

**CONSIDERING** that the Practice Direction does not set out the procedure to be followed when a convicted person has served the part of his sentence in the United Nations Detention Centre which allows him to submit a request for provisional release according to the conditions provided for by the law in force in all the countries signatory to the Agreement on the enforcement of sentences,

**CONSIDERING** that, in such a situation, by virtue of the Tribunal's inherent powers, no provision of the Statute or the Rules prevents it from ruling on the request for an early release of a convicted person,

**CONSIDERING** therefore, that it is not necessary that Zdravko Mucić's request for release come from one of the countries signatory to the Agreement on the enforcement of sentences in order for it to be reviewed by the International Tribunal,

**NOTING** Zdravko Mucić's filing of a notice of appeal against the sentence ordered by the Trial Chamber on 15 October 2001,

**PURSUANT** to Rule 102(A) of the Rules which provides that as soon as notice of appeal is given, the enforcement of the judgement shall thereupon be stayed until the appeal has been delivered, the convicted person meanwhile remaining in detention,

**CONSIDERING** that since no specific provision in the Statute or the Rules sets out the procedure to follow for the accused, it is appropriate to refer to the law in force in all the countries signatory to the Agreement on the enforcement of sentences,

**CONSIDERING** that the sentence imposed on the accused is not definitive and that according to the conditions set out by the law in force in all the countries signatory to the Agreement on the enforcement of sentences, the accused may be accorded early release only if he has received a definitive sentence,

**CONSIDERING** that insofar as Zdravko Mucić's request for release is a request for early release, it cannot be granted since the enforcement of the judgement has been stayed because it is not definitive,

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**CONSIDERING** that insofar as Zdravko Mucić's request for release is a request for provisional release, the President is not competent to rule on that request, since, pursuant to Rule 65(I) of the Rules, the Appeals Chamber would be competent in the matter,

**FOR THE FOREGOING REASONS,**

**REJECT** Zdravko Mucić's request for release,

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

Done this thirtieth day of May 2002  
At The Hague  
The Netherlands

(signed)

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Claude Jorda  
President

**[Seal of the Tribunal]**