

IT-98-29/1-ES
D12-D10
10 March 2011

12
SMS

UNITED
NATIONS



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-98-29/1-ES
Date: 10 March 2011
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Patrick Robinson, President
Registrar: Mr. John Hocking
Decision of: 10 March 2011

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

CONFIDENTIAL

**DECISION ON DRAGOMIR MILOŠEVIĆ REQUEST FOR
RECONSIDERATION OF ORDER DESIGNATING STATE IN WHICH HE IS
TO SERVE HIS SENTENCE**

Office of the Prosecutor:
Mr. Serge Brammertz

Counsel for Dragomir Milošević:
Mr. Branislav Tapušković

1. On 14 February 2011, I issued an order deciding that Dragomir Milošević (“Milošević”) shall serve his sentence in the Republic of Estonia (“Order”).¹ On 9 March 2011, Milošević filed before me a confidential “Request for Reconsideration of the Order Designating State in which Dragomir Milošević is to Serve His Sentence” (“Request”).

2. In his Request, Milošević asks me to (a) reconsider the Order and designate another State in which he will serve his sentence, (b) consult him about the State to be designated, and (c) request that the Tribunal approach the Governments of either Austria or Slovakia pursuant to paragraph 4 of the Practice Direction on the Procedure for the International Tribunal’s Designation of the State a Convicted Person is to Serve his/her Sentence of Imprisonment (IT/137, Rev. 1), 1 September 2009 (“Practice Direction”).²

3. My decision to designate a State for the enforcement of a prison sentence is guided by the Practice Direction, which provides that I shall, following advice by the Registrar via confidential memorandum, designate a State where the convicted person shall serve his or her sentence. The Practice Direction allows me, if I so wish, to request the opinion of the convicted person and of the Office of the Prosecutor. However, as the Statute, Rules of Procedure and Evidence, and Practice Direction make clear, there is no right conferred on a convicted person to be heard on this issue. Accordingly, Milošević has no right to directly petition me with respect to the location in which he will serve his imprisonment, and the Request is incompetent on this basis alone.

4. I will nevertheless briefly deal with the merits of the Request. In support of the Request, Milošević complains that it will be difficult for his wife to visit him in Estonia due to financial constraints.³ He also indicates that, should he be located closer to Belgrade, Serbia, it would become possible for his other relatives to visit him.⁴ Finally, Milošević states that, considering his age and health, it would be more appropriate to designate another State with a climate that is more agreeable.⁵ Pursuant to paragraphs 3(c) and 4(a), (d), and (h) of the Practice Direction, these considerations have already been taken into account. Therefore, even if Milošević had standing to make the request, he would not have demonstrated a basis for reconsideration of the Order.

¹ Confidential Order Designating State in which Dragomir Milošević is to Serve his Sentence, 14 February 2011.

² Request, para. 7.

³ Request, para. 6(iii)–(iv).

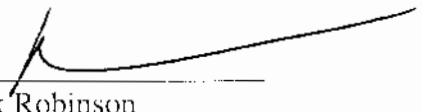
⁴ Request, para. 6(viii).

⁵ Request, para. 6(v).

5. In light of the foregoing, the Request is hereby DISMISSED.

6. The Registry of the International Tribunal is hereby DIRECTED to lift the confidential status of the present Decision once Milošević's transfer to the Republic of Estonia has been completed.

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



Judge Patrick Robinson
President

Dated this tenth day of March 2011
At The Hague
The Netherlands

[Seal of the International Tribunal]