IC PURSUANT TO CHAMBER'S ORDER, IED IN THIS DECISION.	T-98-1 D12-D 10 Marc		12 SMS
International Tribunal for the	Case No.	IT-98-29/1-ES	
Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the	Date:	10 March 2011	
	Original	English	

Original:

English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before:

Judge Patrick Robinson, President

Registrar:

Mr. John Hocking

Decision of:

10 March 2011

former Yugoslavia since 1991

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

MADE PUBLIC PURSUANT TO CHAMBER'S ORDER, AS CONTAINED IN THIS DECISION.

On 14 February 2011, I issued an order deciding that Dragomir Milošević ("Milošević") 1. 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).

Request, para. 6(v).

MADE PUBLIC PURSUANT TO CHAMBER'S ORDER, AS CONTAINED IN THIS DECISION.

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

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[Seal of the International Tribunal]

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