



United Nations
Nations Unies

Mechanism for
International
Criminal Tribunal

Mécanisme pour les
Tribunaux Pénaux
Internationaux

STATUS	Public	D/A	8
CASE/AFFAIRE NO.	MICT-14-82-ES M. Martić (Enforcement)	DATE	27/10/2014
FROM/DE	CARLINE AMEERALI, HEAD, COURTROOM OPERATIONS		
APPROVED FOR DISTRIBUTION APPROUVE POUR DISTRIBUTION PAR	Carline AMEERALI		
TO/A	<p>President's Office/ Président:</p> <p>Prosecutor MICT: Mr. H. Jallow</p> <p>Prosecutor Team MICT:</p> <p>Registrar/ Greffier: Mr. J. Hocking</p> <p>OLAD:</p> <p>Communication Services/ Service Communication:</p> <p>Courtroom Operations/ Opérations en salle d'audience: Ms. Carline Ameerali</p> <p>Judicial Records Unit/ Service des dossiers judiciaires: Mr. S.R. Haider</p> <p>MICT Arusha Registry:</p>		
PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT			
Letter, submitted by President on 23 October 2014			
COMMENTS			
Counsel for Mr. Milan Martić			

Churchillplein 1,
2517 JW The Hague.
P.O. Box 13888,
2501 EW The Hague.
Netherlands

Churchillplein 1,
2517 JW La Haye.
B.P. 13888, 2501 EW
La Haye. Pays-Bas

Tel.: 31-70-512 5689 /
8751
Fax: 31-70-512 8558

RECEIVED/RECU	FILED/ENREGISTRE
27/10/2014	27/10/2014

For guidelines regarding filing procedures, please see the Practice Direction on Filings made before the Mechanism for International Criminal Tribunals, MICT/7.

Pour les procédures concernant le dépôt des documents, voir la Directive pratique relative au dépôt de documents devant le Mécanisme pour les Tribunaux Pénaux Internationaux, MICT/7

Confidentiality statement:

The email notification and its attachments may contain confidential and privileged information and is intended to be for the use of the individual or entity named above.

If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the document(s) is prohibited.

If you have received the document(s) in error, please notify Mechanism The Hague Judicial Filings at JudicialFilingsHague@un.org and delete the material from your computer immediately.

Déclaration de confidentialité :

Ce courrier électronique et les documents qui y sont joints sont susceptibles de contenir des informations confidentielles ou couvertes par le secret professionnel. Ils sont exclusivement destinés aux personnes ou organismes dont le nom est indiqué ci-dessus.

Dans l'hypothèse où vous auriez reçu ce courrier électronique par erreur, veuillez noter que toute divulgation, reproduction, diffusion ou utilisation de ces documents est rigoureusement interdite. Le cas échéant, merci de bien vouloir signaler cette erreur en écrivant à l'adresse suivante: JudicialFilingsHague@un.org et supprimer immédiatement les documents en question de votre ordinateur



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	<input checked="" type="checkbox"/> MICT Registry/ <i>Greffe du MTPI</i>	<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input checked="" type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
Case Name/ Affaire :	Prosecutor v. Milan Martić		Case Number/ Affaire n° : MICT-14-82-ES
Date Created/ Daté du :	23 October 2014	Date transmitted/ Transmis le :	27 October 2014
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	Letter to Predrag Milovančević		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
Document type/ Type de document :	<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>
	<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
	<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Correspondence

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe)</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>
Original/ Original en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
Translation/ Traduction en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :

Send completed transmission sheet to/ *Veillez soumettre cette fiche dûment remplie à :*
JudicialFilingsArusha@un.org OR/OU JudicialFilingsHague@un.org

Rev: April 2014/Rév. : Avril 2014

UNITED NATIONS
Mechanism for
International Criminal Tribunals



NATIONS UNIES
Mécanisme pour les
Tribunaux Pénaux Internationaux

MICT • MPTI

OFFICE OF THE PRESIDENT / BUREAU DU PRÉSIDENT

23 October 2014

Dear Mr. Milovančević,

I am in receipt of your letter to me, dated 15 October 2014, concerning the conditions of imprisonment for Mr. Milan Martić at the Tartu Prison in the Republic of Estonia, and requesting Mr. Martić's immediate transfer from Tartu Prison.

I have instructed the Registrar of the Mechanism for International Criminal Tribunals, Mr. John Hocking, to look into the matters you raised, and will inform you of his findings, and my decision on your request, when I receive his report in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Meron', with a long horizontal flourish extending to the right.

Theodor Meron
President

To: Mr. Predrag Milovančević
Counsel for Mr. Milan Martić
Južni Bulevar 36, 11000 Belgrade
Republic of Serbia
adv.milovancevic@gmail.com

Cc: Mr. John Hocking, Registrar

ANNEX

2014-10-15 17:50

11101 Beograd 1 +381113246089 >> +31 070 512 8558

P 1/5

IT-95-11-ES
D42-D38
16 OCTOBER 2014

42
A1

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-95-11

THE PRESIDENT OF ICTY
Judge Theodor Meron

Registrar: Mr. John Hocking

Date filed: 15 October 2014

The Prosecutor
v.
MILAN MARTIĆ

PUBLIC

LETTER TO THE PRESIDENT

Counsel for Milan Martić:
Mr. Predrag Milovančević

IT-95-11-ES

41

Case No. IT-95-11

LETTER TO THE PRESIDENT

1. I'm hereby addressing you on behalf of Mr Milan Martić who is currently serving his sentence of 35 years of imprisonment, to which he was sentenced by the International Criminal Tribunal for the Former Yugoslavia („ICTY“), in the Tartu Prison in Estonia.
2. Mr Martić informed me about certain problems that he's experiencing in connection with conditions in the prison and the treatment that he's enjoying while he's serving his sentence. Said conditions are significantly different than those in which other persons sentenced by the ICTY are serving their terms in prison in other European countries, such as the Denmark, Belgium, Norway, Sweden, UK, France, Germany etc.
3. All those other persons in the mentioned countries are serving their sentences in the following minimal conditions:
 - each has adequate health protection in case of need (timely response of health services)
 - each has adequate resocialization program for long-term prison sentences
 - each has his/hers own cell of at least 9m2,
 - each has a shower and a toilet in the cell,
 - each has a TV, a fridge and a water heater,
 - they can go out for a walk for an unlimited number of times during a day and lock their own cells,
 - they can work and receive an adequate payment for their work in the amount of up to several hundred Euro,
 - they can exercise in a gym.
4. The above-mentioned conditions represent only a consistent application of the agreements that the above-mentioned countries concluded with the ICTY, the essence of which is that the conditions of serving of prison terms would not be worse than the conditions in the ICTY's Detention Unit in the Hague. This is also what Mr Martić and I, as his counsel, were told by Judge Robinson, President of the ICTY, and by the ICTY's Registry at the time of his transfer to Estonia.

IT-95-11-ES

40

5. The conditions in which Mr Martić is serving his sentence are, however, significantly worse than the conditions in the ICTY's Detention Unit in the Hague or in prisons in other countries that have signed the agreement with ICTY. Particularly vexing are the issues of terrible (inappropriate) health care system for prisoners and complete lack of social program for long-term imprisonment, for which I will give some examples.
6. Mr. Martić is serving the 35 years prison sentence (such sentence is unknown in Estonia's legal system), sentenced by ICTY, with no connection to Estonia. He and Mr. Milošević (who is also serving sentence in Estonia) serve the longest sentences compared to the other persons in Tartu maximum security prison. Under the agreement between Estonia and the ICTY, the conditions need not be the same as the conditions in which other detainees in Estonia are serving their sentences.
7. Until this moment any resocialization program has not been offered. Having in mind that Mr. Martić and Mr. Milošević are in the countries that are furthest away, or most difficult to travel to, from their countries of origin, they have once or twice a year visit from their families. Such visit is also coupled with high expenses, making the imprisonment in Estonia punishment for their families as well. Mr. Martić had last family visit in Estonia in September 2012.
8. The serving of a long term prison sentence in a country far from its country of origin, is extremely hard having in mind all the expenses and inability of Mr. Martić to earn any salary to be able to support himself or to maintain steady long distance communication. There are no offered jobs for Mr. Martić or Mr. Milošević. Recently Mr. Martić has received letter from administration informing him that he will be entitled for work in year 2035. This way Mr. Martić's resocialization is rendered impossible and he is subdued to further isolation.
9. Recently, the tooth implant-bridge of Mr. Martić has been broken, leaving him incapacitated to chew on one side of his mouth. Upon demanding to see the dentist, the administration has offered possible date to go to the dentist in two or three years from today. After hard persistence from Serbian consulate prison administration allowed medical intervention after half a year. Similarly, he had asked of appointment with optician year and half ago and did not get a date yet. Being diabetic, he is quite in need of quick medical response in case of emergency (he had a medical emergency during stay in Hague).
10. To add to the bad medical care, for internal purposes of prison administration in their regular reports, Mr. Martić is being characterised as aggressive, without ever examining his behaviour. He did not have any incidents or disciplinary actions taken against him (on the contrary he shows quite a model behaviour), but as he was explained, this is a

17-95-11-ES

39

common practice in Tartu prison and he will be labelled rehabilitated just before the end of his prison term. This practice is violation of his human rights.

11. As for the living conditions, Mr. Martić is not alone in the cell, but he's sharing a 9m2 cell with another inmate (with whom he has no problems, I should mention at this point), and the two of them are sleeping on a bunk bed. Mr. Martić has no shower in the cell, and showered with cold water which, until recently, used to take place only twice a week for one hour, during which time forty-four detainees could use only three showers, which left them only about four minutes per person to finish the shower. The shower possibility has changed in last few months and now there is option for one shower every day.
12. Sports activities are allowed only once a week, and for practically only forty minutes because one hour allocated for sports includes time for arrival to and departure from the sports field. Mr. Martić has a right to just one walk during a day in duration of one hour. Each night at 10:00 PM the whole electricity in the prison is being shut down until 6:00 AM next morning.
13. Having in mind that he is diabetic (constant medical needs) with tendency of worsening of his health condition, it is of highest importance for him to have medical care available and healthy living conditions.
14. All of these and many other issues have been reported to regular visits of delegation of International Red Cross, who came to examine the conditions and provide the report to the ICTY.
15. Mr. Martić has been serving the sentence in Estonia from June 2009, and after 5 and half years of non-responsiveness of Estonian authorities on demands to improve the conditions of Mr. Martić and Mr. Milošević, we can only come to the conclusion that Estonia will not change its conditions and that the only option is to seek transfer to another state and facility due to inappropriate conditions.
16. In order for Mr. Martić (and Mr. Milošević) continue to serve his prison sentence, not being discriminated compared to the other ICTY convicted persons and their conditions of serving the sentences, we kindly ask for you to:
 - Order immediate transfer of Mr. Martić to ICTY Detention Unit in Hague, Netherlands, until deciding on appropriate state where Mr. Martić could serve the sentence.
 - Transfer Mr. Martić to Denmark or Austria, as these would be more appropriate long-term solution, beneficial to his family and his health, or

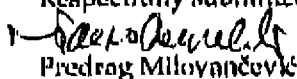
IT-95-11-ES

38

- Find most appropriate state that could address the social, health and family-distance issues of Mr. Martić.

17. I would be very grateful if you would direct your attention to these matters as soon as possible. The fulfilment of these requests would ensure that the conditions in which Mr. Martić is serving his prison sentence in Estonia are no worse than the conditions in the ICTY's Detention Unit in the Hague or compared to conditions in other states that have signed agreement with ICTY.

Respectfully submitted on this 15th day of September 2014,


Predrag Milovančević

Counsel for Mr. Milan Martić

Address: Južni Bulevar 36, 11000 Belgrade, Serbia

Phone: +381 11 24 82 957

E-mail: adv.milovanecvic@gmail.com