



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-95-8-S  
Date: 28 February 2003  
Original: English  
French

**THE PRESIDENT OF THE TRIBUNAL**

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

**Registrar: Mr Hans Holthuis**

**Decision of: 28 February 2003**

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**ORDER OF THE PRESIDENT ON THE  
EARLY RELEASE OF DAMIR DOŠEN**

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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 application for the early release of Damir Došen submitted by letter to the Austrian authorities on 22 August 2002,

**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”),

**NOTING** the Sentencing Judgement pronounced by the Trial Chamber on 13 November 2001 in case no. IT-95-8-S, *The Prosecutor v. Duško Sikirica, Damir Došen and Dragan Kolundžija* (hereinafter “the Judgement of 13 November 2001”), in which Damir Došen, born on 7 April 1967, was sentenced to five (5) years’ imprisonment (hereinafter “the sentence”),

**NOTING** the Agreement between the federal Government of Austria and the United Nations on the enforcement of sentences of the International Tribunal signed on 23 July 1999 (hereinafter “the Agreement”),

**CONSIDERING** that Damir Došen was placed in the custody of Austria on 10 May 2002 in accordance with the Order of 25 January 2002 which stated that the sentence was to be served in Austria and ordered the Registrar to take all the measures necessary to ensure that the sentence was enforced;

**CONSIDERING** that, under Austrian law, Damir Došen satisfies the conditions for early release and could accordingly be released as of 28 February 2003,

**NOTING** the confidential letters from the acting Head of the Office for Legal Aid and Detention Matters of the International Tribunal dated 22 November 2002 and 23 January 2003 complying with paragraphs 2 and 3 of the Practice Direction which state *inter alia* that the Registrar must inform the convicted person that he is eligible for early release,

**NOTING** the Internal Memoranda from the Office of the Prosecutor dated 29 November 2002 and 18 February 2003 regarding the co-operation of Damir Došen with the Office of the Prosecutor (hereinafter “the Prosecutor’s Internal Memoranda”),

**NOTING** the documents submitted by the prison authorities and transmitted by the Austrian federal Ministry of Justice dated 19 and 22 December 2002 regarding Damir Došen’s physical and mental health and his conduct whilst in detention at the Graz-Karlau prison (hereinafter “the Prison Authorities’ Documents”),

**NOTING** the letter from the Embassy of Austria in The Hague dated 18 October 2002 referring to the opinion of the Director of Graz-Karlau prison supporting Damir Došen’s early release,

**NOTING** the confidential Defence request dated 3 February 2003 relating to the submissions of Damir Došen in support of his request for early release (hereinafter “the Submissions of Damir Došen”),

**NOTING** my telephone interview with Damir Došen on 12 February 2003 pursuant to paragraph 4 of the Practice Direction (hereinafter “the telephone interview”),

**NOTING** the gravity of the offence committed by Damir Došen and the manner in which other convicted persons in the same situation are dealt with,

**CONSIDERING** that Damir Došen pleaded guilty,

**CONSIDERING** that when he pleaded guilty on 19 September 2001, then in his letter to the Registry dated 27 January 2003 and during our telephone interview, Damir Došen expressed sincere remorse about what he had done,

**NOTING** Damir Došen’s clear resolve to co-operate with the Office of the Prosecutor, his irreproachable behaviour whilst in detention, his attachment to his family, the resolve to be reintegrated into society which he has demonstrated and the possibility that he may work for

his former employer when he leaves prison, showing that release will open up encouraging prospects for Damir Došen,

**CONSIDERING** that in so far as possible Damir Došen has provided proof of his rehabilitation in this way,

**HAVING CONSIDERED** the Prosecutor's Internal Memoranda, the Prison Authorities' Documents and the Submissions of Damir Došen,

**HAVING CONSULTED** the Bureau and the Judges of the Trial Chamber who pronounced the Judgement on 13 November 2001 in accordance with paragraph 5 of the Practice Direction,

**CONSIDERING** that, under the present circumstances, his detention is no longer necessary,

**PURSUANT** to Rules 124 and 125 of the Rules and paragraph 7 of the Practice Direction,

**FOR THE FOREGOING REASONS,**

**DECIDE** to grant Damir Došen's request for release, effective as of 28 February 2003,

**REQUEST** the Registrar to inform the Government of Austria of this Decision,

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

/signed/

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Claude Jorda  
President

Done this twenty-eighth day of February 2003  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**