

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-14-76-ES

Date: 20 August 2024

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambaou

Decision of: 20 August 2024

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON NOTIFICATION
OF SENTENCE REMISSION**

Counsel for Mr. Vlastimir Đorđević:

Mr. Dragoljub Đorđević
Mr. Veljko Đurđić

Federal Republic of Germany

I, GRACIELA GATTI SANTANA, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

NOTING that on 17 June 2007, Mr. Vlastimir Đorđević (“Đorđević”) was arrested and transferred to the United Nations Detention Unit in The Hague, Kingdom of the Netherlands;¹

NOTING that on 23 February 2011, Trial Chamber II of the International Tribunal for the former Yugoslavia (“ICTY”) sentenced Đorđević to 27 years of imprisonment for murder, persecution, deportation, and other inhumane acts (forcible transfer) as crimes against humanity and murder as a violation of the laws or customs of war;²

NOTING that, on 27 January 2014, the Appeals Chamber of the ICTY (“Appeals Chamber”): (i) reversed, in part, Đorđević’s convictions for murder, persecution, deportation, and other inhumane acts (forcible transfer) as crimes against humanity, and murder as a violation of the laws or customs of war, insofar as they concerned several specific incidents; (ii) affirmed the remaining convictions for these crimes; (iii) revised Đorđević’s conviction for persecution as a crime against humanity to include his responsibility for sexual assaults; and (iv) reduced Đorđević’s sentence to 18 years of imprisonment;³

NOTING that on 16 October 2014, Đorđević was transferred to the Federal Republic of Germany (“Germany”) to serve his sentence,⁴ and that he will have served his sentence in full on 11 June 2025;

NOTING that on 2 August 2024, the Registry filed on the record a *note verbale* received from Germany,⁵ informing the Mechanism that, pursuant to German law, Đorđević has currently earned 62 days of leave, with the prospect of acquiring more, to be counted towards his remaining prison term, and requesting a decision by the Mechanism on whether these days can be credited towards the end date of Đorđević’s sentence (“Sentence Remission Notification”);

RECALLING that, pursuant to Article 25(2) of the Statute of the Mechanism (“Statute”), the Mechanism shall have the power to supervise, *inter alia*, the enforcement of sentences pronounced

¹ See *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, Public Judgement with Confidential Annex, 23 February 2011 (“Trial Judgement”), para. 5; *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-I, Order for Detention on Remand, 18 June 2007, p. 2.

² Trial Judgement, paras. 2230-2231.

³ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-A, Judgement, 27 January 2014, para. 981.

⁴ Email Communication from the Office of the Registrar to the Office of the President, dated 23 September 2020 (confidential). See also Order Designating State in which Vlastimir Đorđević is to Serve his Sentence, 30 April 2014.

⁵ Sentence Remission Notification, 2 August 2024 (confidential).

by the ICTY, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States;

RECALLING that Article 2(1) of the relevant enforcement agreement between the Mechanism and Germany⁶ provides that “[i]n enforcing Mr. Đorđević’s sentence as pronounced by the Appeals Chamber of the Tribunal, the competent national authorities of Germany shall be bound by the duration of the sentence”;

CONSIDERING that sentence remissions stemming from the domestic laws of an enforcement State do not amount to commutation of sentence *before the Mechanism*, but instead equate to commutation of sentence *before the enforcement State* and that, while sentence remission decisions taken by an enforcement State may affect the enforcement State’s own calculation of the length of a convicted person’s sentence, they will not impact the Mechanism’s calculation of [...] the end date of the convicted person’s sentence;⁷

CONSIDERING that as domestic sentence remissions do not affect the duration of the sentence under the Mechanism’s framework, an analysis of the factors outlined in Rule 151 of the Mechanism’s Rules of Procedure and Evidence (“Rules”) is unnecessary, if – as is the case here – the notification is not otherwise included in a petition for early release, commutation or pardon;⁸

FINDING that the notification of possible sentence remission under German law does not impact the duration of Đorđević’s sentence under the authority of the Mechanism;

PURSUANT TO Article 25(2) of the Statute and Rule 128 of the Rules;

HEREBY provisionally recognise a sentence remission of 62 days for which Đorđević has become eligible under German law; and

CLARIFY that this provisionally recognised sentence remission has no impact on the end date of Đorđević’s sentence, which is 11 June 2025.

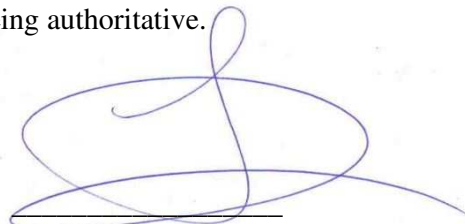
⁶ Agreement Between the Mechanism and the Government of Germany, dated 28 July 2014.

⁷ *Prosecutor v. Goran Jelisić*, Case No. MICT-14-63-ES, Decision on Sentence Remission and Early Release of Goran Jelisić, 11 March 2021 (“*Jelisić Decision*”), paras. 23, 31, 35; *Prosecutor v. Milomir Stakić*, Case No. MICT-13-60-ES, Decision on Sentence Remission and Early Release of Milomir Stakić, 31 December 2020 (“*Stakić Decision of 31 December 2020*”), paras. 25, 33, 37; *Prosecutor v. Milomir Stakić*, Case No. MICT-13-60-ES, Decision on Sentence Remission and Early Release of Milomir Stakić, 22 December 2021 (“*Stakić Decision of 22 December 2021*”), paras. 25-26.

⁸ See also *Jelisić Decision*, para 35; *Stakić Decision of 31 December 2020*, para. 37; *Stakić Decision of 22 December 2021*, para. 26.

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

Done this 20th day of August 2024,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



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To/ À :	<input type="checkbox"/> IRMCT Registry/ Greffe du MIFRTP	<input type="checkbox"/> Arusha/ Arusha	<input checked="" type="checkbox"/> The Hague/ La Haye			
From/ De :	<input checked="" type="checkbox"/> President/ Président	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Registrar/ Greffier	<input type="checkbox"/> Other/ Autre
Case Name/ Affaire :	Prosecutor v. Vlastimir Đorđević		Case Number/ Affaire n° : MICT-14-76-ES			
Date Created/ Daté du :	20 August 2024	Date transmitted/ Transmis le :	20 August 2024	Number of Pages/ Nombre de pages :	4	
Original Language/ Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/ préciser):	
Title of Document/ Titre du document :	Decision on notification of sentence remission					
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu	<input type="checkbox"/> Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu
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II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

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