

UNITED NATIONS  
Mechanism for  
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Mécanisme pour les  
Tribunaux Pénaux Internationaux

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OFFICE OF THE PRESIDENT / BUREAU DU PRÉSIDENT

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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 be '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**

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A.

**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**

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**LETTER TO THE PRESIDENT**

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**Counsel for Milan Martić:**  
**Mr. Predrag Milošančević**

*IT-95-11-ES**41*Case No. IT-95-11

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**LETTER TO THE PRESIDENT**

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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 Euros,
  - 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.

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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

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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.

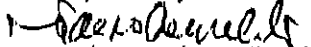
11. As for the living conditions, Mr. Martić is not alone in the cell, but he's sharing a 9m2 cell with another inmate (with whom he has no problems, I should mention at this point), and the two of them are sleeping on a bunk bed. Mr. Martić has no shower in the cell, and showered with cold water which, 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

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- 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 15<sup>th</sup> day of September 2014,



Predrag Milovančević

Counsel for Mr. Milan Martić

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