

**UNITED
NATIONS**



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-04-82-ES
Date: 23 August 2010
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Patrick Robinson, President

Registrar: Mr. John Hocking

Order of: 23 August 2010

THE PROSECUTOR

v.

JOHAN TARČULOVSKI

CONFIDENTIAL

**ORDER DESIGNATING THE STATE IN WHICH
JOHAN TARČULOVSKI IS TO SERVE HIS PRISON SENTENCE**

The Office of the Prosecutor:

Mr. Paul Rogers
Ms. Elena Martin Salgado
Mr. François Boudreault
Ms. Laurel Baig
Ms. Nadia Shihata

Counsel for Johan Tarčulovski:

Mr. Alan M. Dershowitz
Mr. Nathan Z. Dershowitz
Mr. Antonio Apostolski
Mr. Jordan Apostolski

I, PATRICK ROBINSON, 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 (“International Tribunal”),

NOTING the “Judgement” rendered by the Appeals Chamber on 19 May 2010 in the case *Prosecutor v. Ljube Bošković and Johan Tarčulovski*, Case No. IT-04-82-A, in which Johan Tarčulovski was sentenced to 12 years of imprisonment, subject to credit being given under Rules 101(C) and 107 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) for the period already spent in detention;

PURSUANT to Article 27 of the Statute of the International Tribunal, Rule 103(A) of the Rules, and paragraphs four to six of the Practice Direction on the Procedure for the International Tribunal’s Designation of the State in Which a Convicted Person is to Serve His/Her Sentence of Imprisonment (IT/137), issued 9 July 1998 (“Practice Direction”);

CONSIDERING the confidential internal memoranda of 2 July 2010 and 29 July 2010, submitted to me by the Deputy Registrar within the terms of paragraph four of the Practice Direction, listing the States in which Johan Tarčulovski may serve his sentence;

CONSIDERING that, in view of its federal structure, Germany is not in a position to enter into a general agreement with the United Nations on the enforcement of sentences;

CONSIDERING that the German authorities have indicated that they are nonetheless prepared to conclude agreements for individual cases on the basis of an exchange of notes;

CONSIDERING that the German authorities have in this case indicated that they are prepared to conclude such an agreement with respect to Johan Tarčulovski;

HAVING CONSIDERED all the factors enumerated in the Practice Direction;

FOR THE FOREGOING REASONS

DECIDE that Johan Tarčulovski shall serve his sentence in Germany;

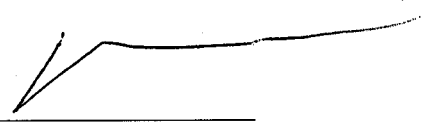
INVITE the Registrar officially to make an official request to the German authorities to undertake the enforcement of the sentence of Johan Tarčulovski and, should the government of Germany accede to the request, so inform me and take all necessary measures to facilitate Johan Tarčulovski’s transfer to Germany;

ORDER, pursuant to Rule 103(C) of the Rules, that Johan Tarčulovski remain in the International Tribunal's custody while awaiting his transfer to Germany; and

INSTRUCT the Registry of the International Tribunal to lift the confidential status of the present Order once Johan Tarčulovski's transfer to Germany has been completed and **ORDER** that this Order shall thereupon and henceforth be considered a public Order.

Done in both English and French, the English text being authoritative.

Dated this 23rd day of August 2010
At The Hague,
The Netherlands



Patrick Robinson, President

[Seal of the International Tribunal]