

MADE Public as per President's Order
(30-05-2012)

IT-03-72-ES
D3-D1
17 AUGUST 2005

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UNITED
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International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-03-72-ES
Date: 16 August 2005
Original: English

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Theodor Meron, President
Registrar: Mr. Hans Holthuis
Decision: 16 August 2005

PROSECUTOR

v.

Milan BABIĆ

CONFIDENTIAL AND EX PARTE AND UNDER SEAL

**ORDER DESIGNATING THE STATE IN WHICH MILAN
BABIĆ IS TO SERVE HIS PRISON SENTENCE**

I, Theodor Meron, 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 ("Tribunal"),

NOTING the sentencing Judgement pronounced by the Appeals Chamber on 18 July 2005 in the case IT-03-72-A, *The Prosecutor v. Milan Babić*, in which Milan Babić, born 26 February 1956, was sentenced to thirteen (13) years imprisonment;

PURSUANT to Article 27 of the Statute of the Tribunal, Sub-rule 103(A) of the Rules of Procedure and Evidence ("Rules") and paragraphs 4 to 6 of the Practice Direction on the Procedure for the Tribunal's Designation of the State in which a Convicted Person is to Serve His/Her Sentence of Imprisonment ("Practice Direction");

CONSIDERING the Confidential Memorandum of 1 August 2005 submitted by the Registrar pursuant to paragraph 3 of the Practice Direction which lists the States in which Milan Babić may serve his sentence;

CONSIDERING the Enforcement Agreement between the Government of the United Kingdom and the United Nations regarding the enforcement of sentences passed by the Tribunal signed on 10 April 2004;

CONSIDERING the Government of the United Kingdom has indicated to the Registry its willingness to enforce the sentence of Milan Babić;

CONSIDERING the Registrar's concerns regarding the safety of Milan Babić and his family;

HAVING CONSIDERED all of the factors mentioned in the Practice Direction;

FOR THE FOREGOING REASONS,

DECIDE that Milan Babić shall serve his sentence in the United Kingdom;

INVITE the Registrar to request officially the authorities of the United Kingdom to enforce the sentence of Milan Babić and, should the Government of the United Kingdom grant the request, so inform me and take all necessary measures to facilitate the transfer of Milan Babić to the United Kingdom;

ORDER, pursuant to Sub-rule 103(C) of the Rules, that Milan Babić remain in the custody of the Tribunal while awaiting his transfer to the United Kingdom.

Done in English and French, the English being authoritative.

Done this 16th day of August 2005

At The Hague

The Netherlands



Judge Theodor Meron, President

[Seal of the Tribunal]