



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-T

Date: 25 January 2002

Original: English
French

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Claude Jorda, President
Registrar: Mr. Hans Holthuis
Decision of: 25 January 2002

THE PROSECUTOR

v.

**DUŠKO SIKIRICA
DAMIR DOŠEN
DRAGAN KOLUNDŽIJA**

**ORDER DESIGNATING THE STATE IN WHICH DUŠKO SIKIRICA
IS TO SERVE HIS PRISON SENTENCE**

CONFIDENTIAL AND *EX PARTE*

The Office of the Prosecutor:

**Mr. Dirk Ryneveld
Ms. Julia Baly**

Mr. Daryl Mundis

Defence Counsel:

Mr. Michael Greaves

I, Claude Jorda, President of the International Criminal 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 Tribunal”);

NOTING the Judgement rendered by the Trial Chamber on 13 November 2001 in the case IT-95-8-T *The Prosecutor v. Sikirica et al.*, in which Duško Sikirica, born on 23 March 1967, was sentenced to fifteen (15) years’ imprisonment;

NOTING the above Judgement according to which the fifteen (15) year sentence must be served until 25 June 2015 save in exceptional circumstances;

PURSUANT to Article 27 of the Statute of the Tribunal, Rule 103(A) of the Rules of Procedure and Evidence (hereinafter “the 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 (hereinafter “the Practice Direction”);

CONSIDERING the confidential internal memorandum of 20 December 2001 submitted through the Registrar within the terms of paragraph 3 of the Practice Direction which enumerates the States in which Duško Sikirica may serve his prison sentence;

CONSIDERING the Agreement between the Government of Austria and the United Nations on the enforcement of sentences imposed by the Tribunal signed on 23 July 1999 and which came into effect on 22 August 1999;

CONSIDERING that the Government of Austria has indicated its agreement in principle to receive Duško Sikirica so that he may serve his sentence;

HAVING CONSIDERED all the factors set out in the Practice Direction, in particular, the place of residence of Duško Sikirica’s family;

FOR THE FOREGOING REASONS,

DECIDE that Duško Sikirica shall serve his sentence in Austria;

INVITE the Registrar to submit an official request to the Austrian authorities to undertake the enforcement of Duško Sikirica's sentence and, should the Government of Austria consent to the request, to inform me thereof and to make all the arrangements necessary for the transfer of Duško Sikirica to Austria;

ORDER that, in accordance with Rule 103(C) of the Rules, Duško Sikirica shall remain in the custody of the Tribunal pending his transfer to Austria;

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

Done this twenty-fifth day of January 2002
At The Hague
The Netherlands

(Signed)

Judge Claude Jorda
President

(Seal of the Tribunal)