

**UNITED
NATIONS**

IT-98-32-ES
D 3 - D 1
25 MAY 2004

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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-98-32-ES
Date: 25 May 2004
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President

Registrar: Mr. Hans Holthuis

Order of: 25 May 2004

THE PROSECUTOR

v.

MITAR VASILJEVIĆ

CONFIDENTIAL

**ORDER DESIGNATING THE STATE IN WHICH MITAR VASILJEVIĆ
IS TO SERVE HIS SENTENCE**

Counsel for the Prosecution

Ms. Helen Brady
Ms. Michelle Jarvis
Mr. Steffen Wirth

Counsel for the Defence

Mr. Vladimir Domazet
Mr. Geert-Jan Knoops

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,

NOTING the Judgement in *Prosecutor v. Mirar Vasiljević*, No. IT-98-32-A, issued by the Appeals Chamber on 25 February 2004, which sentenced Mitar Vasiljević to 15 years of imprisonment;

PURSUANT TO Article 27 of the Statute of the International Tribunal, Rule 103(A) of the Rules of Procedure and Evidence, and paragraphs 4 to 6 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, Document No. IT-137, issued on 9 July 1998;

CONSIDERING the Deputy Registrar's confidential internal memorandum dated 20 May 2004, submitted in accordance with the terms of paragraph 3 of the Practice Direction, which enumerates the states where Mitar Vasiljević may serve his sentence;

NOTING the Agreement between the United Nations and the Federal Government of Austria on the Enforcement of Sentences of the International Tribunal, signed on 23 July 1999;

CONSIDERING that the Federal Government of Austria agrees in principle to enforce Mitar Vasiljević's sentence in Austria;

HAVING CONSIDERED all the factors set out in the Practice Direction;

FOR THE FOREGOING REASONS,


DECIDE that Mitar Vasiljević shall serve his sentence in Austria;

DIRECT the Registrar to make a request to the Austrian authorities to enforce Mitar Vasiljević's sentence in Austria, and, should the Federal Government of Austria agree to such request, to organize Mitar Vasiljević's transfer to Austria;

ORDER, pursuant to Rule 103(C) of the Rules of Procedure and Evidence, that Mitar Vasiljević shall remain in the custody of the International Tribunal until his transfer to Austria.

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

Dated this 25th day of May 2004,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the International Tribunal]