

DER BOTSCHAFTER
DER BUNDESREPUBLIK DEUTSCHLAND
DE AMBASSADEUR
VAN DE BONDSREPUBLIC DEUTSLAND

The Hague, December 16, 2008

To the Registrar
of the International Criminal Tribunal
for the former Yugoslavia
Mr. Hans Holthuis
Administration Building ICTY
Eisenhowerlaan 126-128
2528 JR The Hague

Dear Mr Holthuis,

I have the honour to confirm receipt of your Note of 4 November 2008 proposing on behalf of the International Criminal Tribunal for the former Yugoslavia the conclusion of an Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of the Federal Republic of Germany concerning the conditions under which Mr Stanislav Galić's prison sentence shall be enforced.

Your Note reads as follows:

"Excellency,

I have the honour to refer to my letter of 23 February 2007 in which I requested the Government of the Federal Republic of Germany ("Germany") to enforce Mr. Stanislav Galić's prison sentence, as imposed by the Appeals Chamber of International Criminal Tribunal for the former Yugoslavia ("ICTY") in its Judgement of 30 November 2006 ("Judgement"). I also refer to your reply of 11 October 2007, in which your Government agreed to enforce Mr. Galić's prison sentence.

I thus have the honour to propose that an Agreement between the ICTY and Germany be concluded concerning the conditions under which Mr. Stanislav Galić's prison sentence shall be enforced, to read as follows:

1. Mr. Galić's prison sentence

The Appeals Chamber of the ICTY sentenced Mr. Galić to life imprisonment. Subject to the conditions of the Judgement (Annex 1) and this Note, Mr. Galić's prison sentence shall be enforced in Germany

2. Enforcement

1. In enforcing Mr. Galić's sentence as pronounced by the Appeals Chamber of the ICTY, the competent national authorities of Germany shall be bound by the duration of the sentence.

2. The conditions of imprisonment shall be governed by the law of Germany, subject to the supervision of the ICTY, as provided for in Sections 5 to 7 and paragraphs 2 and 3 of Section 8 below.

3. If, pursuant to the applicable national law of Germany, especially according to section 57 a of the German Criminal Code, Mr. Galić is eligible for early release, Germany shall notify the Registrar of the ICTY ("Registrar") accordingly.

4. If the President of the ICTY, in consultation with the Judges of the ICTY, does not consider that the application of the early release is appropriate, the Registrar shall immediately notify the competent national authorities, who shall provide for the immediate transfer of Mr. Galić to the ICTY.

5. The conditions of imprisonment shall be in accordance with relevant human rights standards, which Germany is obliged under international law to respect.

3. Transfer of Mr. Galić

The Registrar shall make appropriate arrangements for the transfer of Mr. Galić from the ICTY to the competent authorities of Germany. Prior to his transfer, Mr. Galić will be informed by the Registrar of the contents of this Note.

4. Non-bis-in-idem

Mr. Galić shall not be tried before a court of Germany for acts constituting serious violations of international humanitarian law under the Statute of the ICTY for which he has already been tried by the ICTY.

5. Visits

1. The competent authorities of Germany shall allow visits to Mr. Galić by representatives of the ICTY, in accordance with Article 27 of the Statute of the ICTY. The competent authorities shall allow visits at any time and on a periodic basis, the frequency of visits to be decided by the ICTY. Reports on the conditions of detention and the treatment of Mr. Galić, based on the findings of the visits, will be prepared, as appropriate.
2. The competent authorities of Germany acknowledge the right of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter "CPT") to inspect the conditions of detention and treatment of the prisoner at any time and on a periodic basis, the frequency of visits to be determined by the CPT. The CPT will submit a confidential report based on the findings of these inspections to Germany which shall forthwith transmit it to the President of the ICTY.
3. The competent authorities of Germany and the President of the ICTY shall consult each other on the findings of the reports referred to in paragraph 1 and 2. The President of the ICTY may thereafter request Germany to report to him or her any changes in the conditions of detention of Mr. Galić suggested in the reports.

6. Information

1. Germany shall immediately notify the Registrar:
 - a) two months prior to the completion of the sentence;
 - b) if Mr. Galić has escaped from custody before the sentence has been completed;
 - c) if Mr. Galić has deceased.

2. Notwithstanding the previous paragraph, the Registrar and the competent authorities of Germany shall consult each other on all matters relating to the enforcement of the sentence upon the request of either party.

7. Pardon and commutation of sentence

1. If, pursuant to the applicable national law of Germany, Mr. Galić is eligible for pardon or commutation of the sentence, Germany shall notify the Registrar accordingly.

2. The President of the ICTY shall determine, in consultation with the Judges of the ICTY, whether pardon or commutation of the sentence is appropriate. The Registrar shall inform Germany of the President's determination. If the President determines that a pardon or commutation of the sentence is not appropriate, Germany shall act accordingly.

8. Termination of enforcement

1. The enforcement of the sentence shall cease:

- a) when the sentence has been completed;
- b) upon the demise of Mr. Galić;
- c) upon the pardon of Mr. Galić;
- d) following a decision of the ICTY as referred to in paragraph 2 below.

2. The ICTY may at any time decide to request the termination of the enforcement in Germany and transfer Mr. Galić to another State or to the ICTY.

3. The competent authorities of Germany shall terminate the enforcement of the sentence as soon as it is informed by the Registrar of any decision or measure as a result of which the sentence ceases to be enforceable.

9. Impossibility to enforce sentence

If, at any time after the decision has been taken to enforce the sentence, for any legal or practical reasons, further enforcement has become impossible, Germany shall promptly inform the Registrar. The Registrar shall make the appropriate arrangements for the

transfer of Mr. Galić as soon as possible. The competent authorities of Germany shall allow for at least thirty days following the notification to the Registrar before taking other measures on the matter.

10. Costs

The ICTY shall bear the expenses related to the transfer of Mr. Galić to and from Germany, unless the parties agree otherwise. Germany shall pay all other expenses incurred by the enforcement of the sentence.

11. Languages

This Agreement shall be concluded in the German and English languages, both texts being equally authentic.

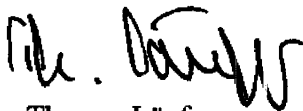
I would be grateful if you would confirm that the above is also the understanding of the Government of Germany.

In such event, this Note and Your Excellency's Note in reply thereto expressing your Government's agreement shall constitute an Agreement between the ICTY and Germany, which shall enter into force on the date of your Note in reply.

Please accept, Excellency, the assurances of my highest consideration."

I have the honour to inform you that my Government agrees to the proposals contained in your Note. Your Note and this Note in reply thereto shall thus constitute an Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of the Federal Republic and Germany, which shall enter into force on the date of this Note.

Please accept, Mr Holthuis, the assurances of my highest consideration.



Dr. Thomas Läufer