



15 May 2000
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-94-1 and IT-94-1-Abis

Date: 8 May 2000

Original: English
French

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Claude Jorda, President

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 8 May 2000

THE PROSECUTOR

v.

DUŠKO TADIĆ

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

Prosecutor:

Mrs. Carla del Ponte

Defence Counsel:

**Mr. William Clegg
Mr. John Livingston**

I, Claude Jorda, 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 (hereinafter “the Tribunal”);

NOTING the Judgement in Sentencing Appeals pronounced by the Appeals Chamber on 26 January 2000 in the case IT-94-1 and IT-94-1-Abis, *The Prosecutor v. Duško Tadić*, in which Duško Tadić, born on 1 October 1955, was sentenced to twenty (20) years’ imprisonment;

NOTING the said Judgement which provides that Duško Tadić must serve a term of imprisonment ending no earlier than 14 July 2007 except in exceptional circumstances;

PURSUANT to Article 27 of the Statute of the Tribunal, Sub-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 4 February 2000 submitted through the Registrar within the terms of paragraph 3 of the Practice Direction which enumerates the States in which Duško Tadić may serve his sentence;

CONSIDERING the recommendation of Mr. Jean-Jacques Heintz, Deputy Registrar of the Tribunal, in the said memorandum;

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 in that country;

CONSIDERING that the German authorities have nevertheless indicated their willingness to enter into agreements case by case on the basis of an exchange of notes;

CONSIDERING that just such an agreement has been negotiated with Germany in respect of Duško Tadić on the basis of an exchange of notes;

HAVING CONSIDERED all the factors mentioned in the Practice Direction, in particular the place of residence of Duško Tadić's family;

HAVING CONSULTED the Judges of the Appeals Chamber;

FOR THE FOREGOING REASONS,

DECIDE that Duško Tadić shall serve his sentence in Germany;

INVITE the Registrar to request officially the German authorities to undertake the enforcement of the sentence of Duško Tadić;

INVITE the Registrar to notify me of the outcome of the German *exequatur* proceedings and to take all necessary measures for the transfer of Duško Tadić to Germany;

DIRECT, in accordance with Sub-rule 103(C) of the Rules, that Duško Tadić remain in the custody of the Tribunal until such time as an agreement is reached on his transfer to Germany;

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

Done this eighth day of May 2000

At The Hague

The Netherlands

(signed)

Claude Jorda
President

[Seal of the Tribunal]