



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-95-10-A
Date: 6 November 2001
Original: English
French

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Claude Jorda, President of the Tribunal

Registrar: Mr. Hans Holthuis

Decision of: 6 November 2001

THE PROSECUTOR

v.

GORAN JELISIĆ

CONFIDENTIAL

**ORDER SETTING ASIDE THE ORDER OF 21 AUGUST 2001
AND DESIGNATING NORWAY AS THE STATE
IN WHICH GORAN JELISIC IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor:

**Mr. Upawansa Yapa
Mr. Geoffrey Nice
Mr. Morten Bergsmo
Mr. Fabricio Guariglia**

Defence Counsel:

**Mr. William Clegg
Mr. Jovan Babić**

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 International Tribunal”);

NOTING the Trial Chamber Judgement of 14 December 1999 in the case IT-95-10-T, *The Prosecutor v. Goran Jelisić*, in which Goran Jelisić, born on 7 June 1968, was sentenced to forty (40) years’ imprisonment;

NOTING the final Judgement pronounced by the Appeals Chamber on 5 July 2001 in the case IT-95-10-A, *The Prosecutor v. Goran Jelisić*, which affirms the sentence set by the Trial Chamber;

PURSUANT to Rule 101(C) of the Rules of Procedure and Evidence (hereinafter “the Rules”) and the above appeals Judgement which provides that Goran Jelisić must serve a term ending no earlier than 22 January 2038 save in exceptional circumstances;

NOTING the disposition of the above trial Judgement which provides that the convicted person must receive psychological or psychiatric follow-up treatment;

PURSUANT to Article 27 of the Statute of the Tribunal (hereinafter “the Statute”), Rule 103(A) of 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 19 July 2001 submitted to the President of the International Tribunal through the Registrar of the International Tribunal within the terms of paragraph 3 of the Practice Direction which enumerates the States in which Goran Jelisić may serve his sentence;

CONSIDERING the Order of 21 August 2001 designating Italy as the State in which Goran Jelisić shall serve his prison sentence;

CONSIDERING that, on 21 August 2001, the Registrar of the International Tribunal sent an official request to the Italian authorities to undertake the enforcement of Goran Jelisić's sentence;

CONSIDERING that, further to the exchanges between the Italian authorities and the Registrar of the International Tribunal, it appears that Goran Jelisić cannot be transferred within a reasonable time;

CONSIDERING that to keep Goran Jelisić in the United Nations Detention Unit for persons on remand beyond a reasonable time is contrary to the spirit of the Statute and the Rules;

CONSIDERING the Agreement between the Government of Norway and the United Nations on the enforcement of sentences of the Tribunal signed on 24 April 1998 and in force as of that same date;

CONSIDERING that, following the exchanges between the Norwegian authorities and the Registrar of the International Tribunal, the said authorities have expressed their willingness to consider an official request from the International Tribunal to enforce Goran Jelisić's sentence;

FOR THE FOREGOING REASONS,

SET ASIDE the Order of 21 August 2001 designating Italy as the State in which Goran Jelisić is to serve his prison sentence;

ORDER that Goran Jelisić shall serve his sentence in Norway;

INVITE the Registrar to submit an official request to the Norwegian authorities to undertake the enforcement of Goran Jelisić's sentence and, should the Government of Norway consent to the request, so inform me and make all the arrangements necessary for facilitating the transfer of Goran Jelisić to Norway;

ORDER that, in accordance with Rule 103(C) of the Rules, Goran Jelisić shall remain in the custody of the Tribunal pending his transfer to Norway;

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

Done this sixth day of November 2001
At The Hague
The Netherlands

(signed)

Claude Jorda
President

[Seal of the Tribunal]