



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-95-16-A  
Date: 18 December 2001  
Original: English  
French

**THE PRESIDENT OF THE TRIBUNAL**

**Before: Judge Claude Jorda, President**

**Registrar: Mr. Hans Holthuis**

**Decision of: 18 December 2001**

**THE PROSECUTOR**

**v.**

**DRAGO JOSIPOVIĆ**

**ORDER DESIGNATING THE STATE IN WHICH DRAGO JOSIPOVIĆ  
IS TO SERVE HIS PRISON SENTENCE**

**CONFIDENTIAL AND *EX PARTE***

**The Prosecutor:**

**Mr. Upawansa Yapa  
Mr. Anthony Carmona  
Mr. Fabricio Guariglia  
Ms. Sonja Boelaert-Suominen  
Ms. Norul Rashid**

**Counsel for the Defence:**

**Mr. William Clegg Q.C.  
Ms. Goranka Herljević**

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 pronounced by the Appeals Chamber on 23 October 2001 in the case IT-95-16-A *The Prosecutor v. Kupreškić et al.* in which Drago Josipović, born on 14 February 1955, was sentenced to twelve (12) years’ imprisonment;

**NOTING** the said Judgement which provides that the twelve (12) year sentence must be served until 6 October 2009 except 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 6 December 2001 submitted through the Registrar within the terms of paragraph 3 of the Practice Direction which enumerates the States in which Drago Josipović might serve his sentence;

**CONSIDERING** the Agreement between the government of Spain and the United Nations on the enforcement of sentences of the Tribunal, signed on 28 May 2000 and which came into effect on 16 January 2001;

**CONSIDERING** that the Government of Spain has indicated its agreement in principle to receive Drago Josipović 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 Drago Josipović’s family;

**HAVING CONSULTED** the Judges of the Appeals Chamber;

**FOR THE FOLLOWING REASONS,**

**DECIDE** that Drago Josipović shall serve his sentence in Spain;

**INVITE** the Registrar to make an official request to the Spanish authorities to undertake the enforcement of Drago Josipović's sentence, and, should the Government of Spain agree to the request, to so notify us and take all the necessary measures for Drago Josipović's transfer to Spain;

**ORDER**, pursuant to Rule 103(C) of the Rules, that Drago Josipović shall remain in the custody of the Tribunal until his transfer to Spain;

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

Done this eighteenth day of December 2001  
At The Hague  
The Netherlands

(signed)

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Claude Jorda  
President

**[Seal of the Tribunal]**