



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-96-23  
& IT-96-23/1-A  
Date: 26 July 2002  
Original: English  
French

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before: Judge Claude Jorda, President of the Tribunal**

**Registrar: Mr. Hans Holthuis**

**Decision of: 26 July 2002**

**THE PROSECUTOR**

v.

**DRAGOLJUB KUNARAC  
RADOMIR KOVAČ  
ZORAN VUKOVIĆ**

***CONFIDENTIAL***

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**ORDER DESIGNATING THE STATE  
IN WHICH DRAGOLJUB KUNARAC  
IS TO SERVE HIS PRISON SENTENCE**

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**The Office of the Prosecutor:  
Mrs. Carla Del Ponte**

**Defence Counsel:  
Mr. Slaviša Prodanović  
Mr. Dejan Savatić**

2/9 bis

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 Judgement rendered by the Appeals Chamber on 12 June 2002 in the case *The Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković* in which Dragoljub Kunarac, born on 15 May 1960, was sentenced to twenty-eight (28) years’ imprisonment;

**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”);

**NOTING** the confidential internal *memorandum* of 24 July 2002, submitted through the Registrar within the terms of paragraph 3 of the Practice Direction which enumerates the States in which Dragoljub Kunarac might serve his sentence;

**CONSIDERING** that, taking into consideration its federal structure, Germany is not in a position to conclude a general agreement with the United Nations on the enforcement of sentences in its territory;

**CONSIDERING** that the German authorities have indicated that they are nonetheless prepared to conclude agreements for individual cases on the basis of an exchange of notes;

**CONSIDERING** that Germany has indicated to the Registry that it is prepared to enforce the sentence of Dragoljub Kunarac;

**HAVING CONSIDERED** all the factors set out in the Practice Direction, in particular, the place of residence of Dragoljub Kunarac’s family;

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

1/9 bis

**FOR THE FOREGOING REASONS,**

**DECIDE** that Dragoljub Kunarac shall serve his sentence in Germany;

**INVITE** the Registrar to make an official request to the German authorities to undertake the enforcement of Dragoljub Kunarac's sentence, and, should the Government of Germany agree to the request, to so notify me and take all the necessary measures for Dragoljub Kunarac's transfer to Germany;

**ORDER**, pursuant to Rule 103(C) of the Rules, that Dragoljub Kunarac shall remain in the custody of the Tribunal pending his transfer to Germany;

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

Done this twenty-sixth day of July 2002  
At The Hague  
The Netherlands.

(signed)

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Claude Jorda  
President

**[Seal of the Tribunal]**