



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-ES
Date: 2 April 2003
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Theodor Meron, President of the Tribunal

Registrar: Mr. Hans Holthuis

Decision of: 2 April 2003

THE PROSECUTOR

v.

GORAN JELISIĆ

CONFIDENTIAL

**AMENDED ORDER DESIGNATING THE STATE
IN WHICH GORAN JELISIĆ
IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor:

Ms. Carla Del Ponte

Defence Counsel:

Mr. William Clegg

Mr. Jovan Babic

I, THEODOR MERON, 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 (“International Tribunal”);

NOTING the Judgement rendered by the Appeals Chamber on 5 July 2001, in which it affirmed that Goran Jelisić, born on 7 June 1968, was to be sentenced to forty (40) years’ imprisonment;

NOTING Rule 101(C) of the Rules of Procedure and Evidence (“Rules”);

CONSIDERING that, accordingly, Jelisić’s term of imprisonment will last until 22 January 2038;

NOTING the recommendation of the Trial Chamber in its Judgement of 14 December 1999 that Jelisić should receive psychological and psychiatric follow-up treatment;

PURSUANT to Article 27 of the Statute of the International Tribunal, 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 (“Practice Direction”);

NOTING the confidential internal memorandum of 19 July 2001, submitted through the Registrar in accord with paragraph 3 of the Practice Direction, which enumerates the States in which the Jelisić may serve his sentence;

NOTING the Agreement between the Government of Italy and the United Nations on the Enforcement of Sentences of the International Tribunal, signed on 6 February 1997 (“Enforcement Agreement”);

CONSIDERING that the Italian Government has indicated to the Registrar that it is prepared to enforce Jelisić’s sentence;

CONSIDERING the Order issued by the International Tribunal’s President on 21 August 2001 designating Italy as the State in which Jelisić shall serve his imprisonment sentence;

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HAVING FURTHER CONSIDERED the exequatur Appeals Judgement of the Italian Supreme Court of 9 December 2002, confirming execution of the International Tribunal's Judgement for thirty (30) years of imprisonment;

NOTING Article 3 (1) of the Enforcement Agreement, according to which, "*In enforcing the sentence pronounced by the International Tribunal, the competent national authorities of the requested State shall be bound by the duration of the sentence.*";

NOTING Article 9 (2) of the Enforcement Agreement, according to which "*The International Tribunal may at any time decide to request the termination of the enforcement in the requested State and transfer the convicted person to another State or to the International Tribunal.*";

RESERVING the right of the Tribunal to terminate the enforcement of Jelisić's sentence in Italy, and to continue enforcement in another State in accordance with the sentence pronounced by the Appeals Chamber Judgement dated 5 July 2001;

FOR THE FOREGOING REASONS,

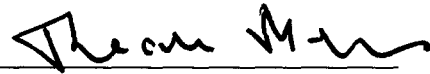
DECIDE that Goran Jelisić shall serve his sentence in Italy;

INVITE the Registrar to take all the necessary measures for Goran Jelisić's transfer to Italy as soon as practicable;

ORDER, pursuant to Rule 103(C) of the Rules, that Goran Jelisić shall remain in the custody of the Tribunal pending his transfer to Italy.

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

Dated this second day of April 2003,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]