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**UNITED
NATIONS**



**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: IT-02-59-ES

Date: 6 May 2004

Original: English

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Theodor Meron, President

Registrar: Mr Hans Holthuis

Decision of: 6 May 2004

THE PROSECUTOR

v.

DARKO MRDJA

CONFIDENTIAL

**ORDER DESIGNATING THE STATE IN WHICH DARKO MRDJA IS TO SERVE HIS
SENTENCE**

Counsel for the Prosecution

Mr. Alan Tieger
Mr. Timothy Resch

Counsel for the Defence

Mr. Vojislav Dimitrijević
Mr. Otmar Wachenheim

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 Sentencing Judgment in *The Prosecutor v Darko Mrdja*, No.IT-02-59-ES, issued by Trial Chamber I on 31 March 2004, which sentenced Darko Mrdja to 17 years imprisonment;

PURSUANT TO Article 27 of the Statute of the International Tribunal, Rule 103(A) of the Rules of Procedure and Evidence (“Rules”), and paragraphs 4 to 6 of the Practice Direction on the Procedure for the International Tribunal’s Designation of the State in Which a Convicted Person Is to Serve His/Her Sentence of Imprisonment, Document No. IT-137, 9 July 1998 (“Practice Direction”);

CONSIDERING the Registrar’s confidential internal memorandum dated 26 April 2004, submitted in accordance with the terms of paragraph 3 of the Practice Direction, which enumerates the States where Darko Mrdja may serve his sentence;

NOTING the Agreement between the United Nations and the Government of Spain on the Enforcement of Sentences of the International Tribunal, signed on 28 March 2000, and entered into force on 16 January 2001;

CONSIDERING that the Government of Spain agrees in principle to enforce Darko Mrdja’s sentence in Spain;

HAVING CONSIDERED all the factors set out in the Practice Direction;

FOR THE FOREGOING REASONS,


DECIDE that Darko Mrdja shall serve his sentence in Spain;

DIRECT the Registrar to make a request to the Spanish authorities to enforce Darko Mrdja’s sentence in Spain, and, should the Government of Spain agree to such request, to organise Darko Mrdja’s transfer to Spain;

ORDER, pursuant to Rule 103(C) of the Rules, that Darko Mrdja shall remain in the custody of the International Tribunal until his transfer to Spain.

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

Dated this 6th day of May 2004,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Tribunal]