



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-95-14/2-ES

Date: 12 May 2006

Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President

Registrar: Mr. Hans Holthuis

Order of: 12 May 2006

THE PROSECUTOR

v.

**DARIO KORDIĆ
AND
MARIO ČERKEZ**

CONFIDENTIAL

**ORDER DESIGNATING THE STATE IN WHICH DARIO KORDIĆ
IS TO SERVE HIS PRISON SENTENCE**

Office of the Prosecutor:

Mr. Norman Farrell

Ms. Helen Brady

Ms. Marie-Ursula Kind and Ms. Michelle Jarvis

Counsel for the Defence:

Mr. Mitko Naumovski

Mr. Turner T. Smith, Jr.

Mr. Stephen M. Sayers

Case No.: IT-95-14/2-ES

12 May 2006

SM

I, FAUSTO POCAR, 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 17 December 2004 in the case IT-95-14/2-A, *Prosecutor v. Dario Kordić and Mario Čerkez*, in which Dario Kordić, born 14 December 1960, was sentenced to twenty-five (25) 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 four (4) to six (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 Imprisonment¹ (“Practice Direction”);

CONSIDERING the confidential internal memorandum of 9 May 2006, submitted to me by the Deputy Registrar within the terms of paragraph three (3) of the Practice Direction and listing the States in which Dario Kordić may serve his sentence;

CONSIDERING the Enforcement Agreement between the United Nations and Austria, which was signed on 23 July 1999 and entered into force on 22 August 1999, concerning the enforcement of sentences passed by the International Tribunal;

CONSIDERING that the government of Austria has indicated to the Registry its willingness to enforce Dario Kordić’s sentence;

HAVING CONSIDERED all of the factors enumerated in the Practice Direction, including in particular the place of residence of Dario Kordić’s family;

FOR THE FOREGOING REASONS,

DECIDE that Dario Kordić shall serve his sentence in Austria;

¹ 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, IT/137, 9 July 1998.

INVITE the Registrar officially to request the authorities of Austria to enforce the sentence of Dario Kordić and, should the government of Austria accede to the request, so inform me and take all necessary measures to facilitate Dario Kordić's transfer to Austria;

ORDER pursuant to Rule 103(C), that Dario Kordić remain in the International Tribunal's custody while awaiting his transfer to Austria.

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

Done this 12th day of May 2006,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]