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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 No.: IT-94-02-ES
Date: 31 May 2006
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Order of: 31 May 2006

THE PROSECUTOR

v.

DRAGAN NIKOLIĆ

CONFIDENTIAL

**ORDER DESIGNATING THE STATE IN WHICH DRAGAN NIKOLIĆ
IS TO SERVE HIS PRISON SENTENCE**

Office of the Prosecutor:

Mr. Mark McKeon
Ms. Susan Lamb
Mr. Steffen Wirth

Counsel for the Defence:

Ms. Tanja Radosavljević

Case No.: IT-94-02-ES

31 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 on Sentencing Appeal” rendered by the Appeals Chamber on 4 February 2005 in the case IT-94-02-A, *Prosecutor v. Dragan Nikolić*, in which Dragan Nikolić, born 26 April 1957, was sentenced to twenty (20) 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 25 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 Dragan Nikolić may serve his sentence;

CONSIDERING the Enforcement Agreement between the United Nations and Italy, which was signed on 6 February 1997 and entered into force on 27 August 1999, concerning the enforcement of sentences passed by the International Tribunal;

CONSIDERING that the government of Italy has indicated to the Registry its willingness to enforce Dragan Nikolić’s sentence and that the necessary formalities have been completed to enable it to enforce Dragan Nikolić’s sentence;

HAVING CONSIDERED all of the factors enumerated in the Practice Direction, including in particular whether Dragan Nikolić is expected to serve as a witness in further proceedings of the International Tribunal;

FOR THE FOREGOING REASONS,

DECIDE that Dragan Nikolić shall serve his sentence in Italy;

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 Italy to enforce the sentence of Dragan Nikolić and, should the government of Italy accede to the request, so inform me and take all necessary measures to facilitate Dragan Nikolić's transfer to Italy;

ORDER pursuant to Rule 103(C), that Dragan Nikolić remain in the International Tribunal's custody while awaiting his transfer to Italy.

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

Done this 31st day of May 2006,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]