

**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-04-82-ES  
Date: 23 August 2010  
Original: English

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Patrick Robinson, President

**Registrar:** Mr. John Hocking

**Order of:** 23 August 2010

**THE PROSECUTOR**

v.

**JOHAN TARČULOVSKI**

***CONFIDENTIAL***

**ORDER DESIGNATING THE STATE IN WHICH  
JOHAN TARČULOVSKI IS TO SERVE HIS PRISON SENTENCE**

**The Office of the Prosecutor:**

Mr. Paul Rogers  
Ms. Elena Martin Salgado  
Mr. François Boudreault  
Ms. Laurel Baig  
Ms. Nadia Shihata

**Counsel for Johan Tarčulovski:**

Mr. Alan M. Dershowitz  
Mr. Nathan Z. Dershowitz  
Mr. Antonio Apostolski  
Mr. Jordan Apostolski

**I, PATRICK ROBINSON**, 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 19 May 2010 in the case *Prosecutor v. Ljube Bošković and Johan Tarčulovski*, Case No. IT-04-82-A, in which Johan Tarčulovski was sentenced to 12 years of imprisonment, subject to credit being given under Rules 101(C) and 107 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) for the period already spent in detention;

**PURSUANT** to Article 27 of the Statute of the International Tribunal, Rule 103(A) of the Rules, and paragraphs four to six 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 (IT/137), issued 9 July 1998 (“Practice Direction”);

**CONSIDERING** the confidential internal memoranda of 2 July 2010 and 29 July 2010, submitted to me by the Deputy Registrar within the terms of paragraph four of the Practice Direction, listing the States in which Johan Tarčulovski may serve his sentence;

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

**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 the German authorities have in this case indicated that they are prepared to conclude such an agreement with respect to Johan Tarčulovski;

**HAVING CONSIDERED** all the factors enumerated in the Practice Direction;

**FOR THE FOREGOING REASONS**

**DECIDE** that Johan Tarčulovski shall serve his sentence in Germany;

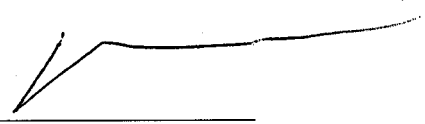
**INVITE** the Registrar officially to make an official request to the German authorities to undertake the enforcement of the sentence of Johan Tarčulovski and, should the government of Germany accede to the request, so inform me and take all necessary measures to facilitate Johan Tarčulovski’s transfer to Germany;

**ORDER**, pursuant to Rule 103(C) of the Rules, that Johan Tarčulovski remain in the International Tribunal's custody while awaiting his transfer to Germany; and

**INSTRUCT** the Registry of the International Tribunal to lift the confidential status of the present Order once Johan Tarčulovski's transfer to Germany has been completed and **ORDER** that this Order shall thereupon and henceforth be considered a public Order.

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

Dated this 23rd day of August 2010  
At The Hague,  
The Netherlands

---

Patrick Robinson, President

[Seal of the International Tribunal]