



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-98-29-ES
Date: 3 November 2008
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President

Registrar: Mr. Hans Holthuis

Order of: 3 November 2008

THE PROSECUTOR

v.

STANISLAV GALIĆ

CONFIDENTIAL

**ORDER DESIGNATING THE STATE IN WHICH
STANISLAV GALIĆ IS TO SERVE HIS PRISON
SENTENCE**

The Office of the Prosecutor:

Mr. Serge Brammertz

Counsel for Stanislav Galić:

Ms. Marta Pilipović
Mr. Stéphane Piletta-Zanin

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 30 November 2006 in the case *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, in which Stanislav Galić was sentenced to life 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 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 Imprisonment¹ (“Practice Direction”);

CONSIDERING the confidential internal memorandum of 31 October 2008, submitted to me by the Deputy Registrar within the terms of paragraph three of the Practice Direction and listing the States in which Stanislav Galić 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 in that country;

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 Stanislav Galić;

HAVING CONSIDERED all the factors enumerated in the Practice Direction, including the family situation of Stanislav Galić;

FOR THE FOREGOING REASONS

DECIDE that Stanislav Galić shall serve his sentence in Germany;

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

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.
Case No. IT-98-29-ES

ORDER pursuant to Rule 103(C) of the Rules, that Stanislav Galić remain in the International Tribunal's custody while awaiting his transfer to Germany.

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

Dated this 3rd day of November 2008
At The Hague,
The Netherlands.



Fausto Pocar, President

[Seal of the International Tribunal]