

IT-98-34-ES
D3 - D1
11 MARCH 2008

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AT

**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-98-34-ES
Date: 11 March 2008
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Order of: 11 March 2008

PROSECUTOR

v.

VINKO MARTINOVIĆ, a.k.a. "ŠTELA"

Confidential

**ORDER DESIGNATING THE STATE IN WHICH VINKO
MARTINOVIĆ IS TO SERVE HIS PRISON SENTENCE**

Counsel for the Prosecutor:

Mr. Norman Farrell
Mr. Peter M. Kremer

Counsel for Vinko Martinović:

Mr. Želimir Par and Mr. Kurt Kerns for Vinko Martinović

[Handwritten signature]

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 3 May 2006 in Case No. IT-98-34-A, *Prosecutor v. Mladen Naletilić and Vinko Martinović*, in which it affirmed the sentence of eighteen (18) years’ imprisonment, subject to credit for time already served in detention, imposed on Vinko Martinović, born on 21 September 1963;

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 Imprisonment (“Practice Direction”);

CONSIDERING the confidential internal memorandum of 4 March 2008, submitted to me by the Deputy Registrar of the International Tribunal within the terms of paragraph three (3) of the Practice Direction and listing the States in which Vinko Martinović 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 that same date, concerning the enforcement of sentences ordered by the International Tribunal;¹

CONSIDERING that the government of Italy has indicated to the Registry its willingness to enforce Vinko Martinović’s sentence;

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

FOR THE FOREGOING REASONS,

DECIDE that Vinko Martinović shall serve his sentence in Italy;

¹ Agreement between the Government of the Italian Republic and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, signed on 6 February 1997.

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

ORDER pursuant to Rule 103(C), that Vinko Martinović remain in the International Tribunal's custody while awaiting transfer to Italy;

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

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

Done this 11th day of March 2008,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]