

IT-98-34-ES  
D7-D5  
11 MARCH 2008

7  
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.

**MLADEN NALETILIĆ, aka "TUTA"**

*Confidential*

---

**ORDER DESIGNATING THE STATE IN WHICH MLADEN  
NALETILIĆ IS TO SERVE HIS PRISON SENTENCE**

---

**Counsel for the Prosecutor:**

Mr. Norman Farrell  
Mr. Peter M. Kremer

**Counsel for Mladen Naletilić:**

Mr. Matthew Hennessy and Mr. Christopher Young Meek

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 3 May 2006 in Case No. IT-98-34-A, *Prosecutor v. Mladen Naletilić and Vinko Martinović*, in which it affirmed the sentence of twenty (20) years’ imprisonment, subject to credit for time already served in detention, imposed on Mladen Naletilić, born on 1 December 1946;

**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 Mladen Naletilić 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;<sup>1</sup>

**CONSIDERING** that the government of Italy has indicated to the Registry its willingness to enforce Mladen Naletilić’s sentence;

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

**FOR THE FOREGOING REASONS,**

**DECIDE** that Mladen Naletilić shall serve his sentence in Italy;

---

<sup>1</sup> 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 Mladen Naletilić and, should the government of Italy accede to the request, so inform me and take all necessary measures to facilitate Mladen Naletilić's transfer to Italy;

**ORDER** pursuant to Rule 103(C), that Mladen Naletilić 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 Mladen Naletilić'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 11<sup>th</sup> day of March 2008,  
At The Hague,  
The Netherlands.

  
\_\_\_\_\_  
Judge Fausto Pocar  
President

**[Seal of the International Tribunal]**