

**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-96-23/2-ES
Date: 7 December 2007
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Order of: 7 December 2007

THE PROSECUTOR

v.

DRAGAN ZELENOVIĆ

CONFIDENTIAL

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

Office of the Prosecutor:

Ms. Helen Brady
Ms. Julia Thibord

Counsel for the Defence

Mr. Zoran Jovanović

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 31 October 2007 in the case IT-96-23/2-A, *Prosecutor v. Dragan Zelenović*, in which the Appeals Chamber affirmed the sentence of fifteen (15) years’ imprisonment imposed on Dragan Zelenović, born 12 February 1961;

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 4 December 2007, submitted to me by the Registrar within the terms of paragraph three (3) of the Practice Direction and listing the States in which Dragan Zelenović may serve his sentence;

CONSIDERING the Enforcement Agreement between the United Nations and the Government of Belgium, which was signed on 2 May 2007 and entered into force as of that same date, concerning the enforcement of sentences passed by the International Tribunal;

CONSIDERING that the Government of Belgium has indicated to the Registry its willingness to enforce Dragan Zelenović’s sentence;

HAVING CONSIDERED all of the factors enumerated in the Practice Direction, including in particular the place of residence of Dragan Zelenović’s family;

FOR THE FOREGOING REASONS,

DECIDE that Dragan Zelenović shall serve his sentence in Belgium;

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 Belgium to enforce the sentence of Dragan Zelenović and, should the Government of Belgium accede to the request, so inform me and take all necessary measures to facilitate Dragan Zelenović's transfer to Belgium;

ORDER pursuant to Rule 103(C), that Dragan Zelenović remain in the International Tribunal's custody while awaiting his transfer to Belgium;

INSTRUCT the Registry of the International Tribunal to lift the confidential status of the present Order once Dragan Zelenović's transfer to Belgium 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 7th of December 2007,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]