



Reference: IOR/EH/4.3

11 February 2015

Excellency,

I have the honour to refer to the Agreement between the International Criminal Tribunal for the former Yugoslavia ("ICTY") and the Government of the Federal Republic of Germany ("Germany") of 16 December 2008 concerning the enforcement of Mr. Stanislav Galić's sentence in Germany ("Agreement"), which, in accordance with Security Council resolution 1966 (2010), applies *mutatis mutandis* to the Mechanism for International Criminal Tribunals ("Mechanism").

As you are aware, Germany has been enforcing the sentence of life imprisonment imposed on Mr. Galić by the ICTY since 15 January 2009.

Pursuant to Section 2, paragraph 3, of the Agreement, Germany notified the Mechanism by note verbale dated 10 October 2014, that on 18 December 2014 Mr. Galić will have served a prison sentence of 15 years and that pursuant to Section 57a of the German Criminal Code, as of that date Mr. Galić would be eligible for suspension of enforcement of the remainder of his sentence. At the same time, Germany requested that the Mechanism make a decision concerning the suspension of enforcement of the remainder of Mr. Galić's sentence.

On 5 December 2014, the President of the Mechanism decided that suspension of enforcement of the remainder of Mr. Galić's sentence could not be granted.

I am grateful to Germany for agreeing to the Mechanism's request that Germany continue the enforcement of Mr. Galić's life sentence of imprisonment and am pleased to inform you that discussions between the relevant German authorities and the Mechanism in this regard have been concluded.

Accordingly, I have the honour to propose that the Agreement shall continue in force and that Section 2 of the Agreement is replaced with the following:

"2. Enforcement

1. In enforcing Mr. Galić's sentence as pronounced by the Appeals Chamber of the ICTY, the competent national authorities of Germany shall be bound by the duration of the sentence.
2. The conditions of imprisonment shall be governed by the laws of Germany, subject to the supervision of the Mechanism, as provided for in Sections 5 to 7 and paragraphs 2 and 3 of Section 8.

His Excellency
Mr. Franz Josef Kremp
Ambassador of the Federal Republic of Germany
to the Netherlands



MICT-MTFY

3. If, at any time in the course of enforcement of sentence, pursuant to the applicable national law of Germany, especially according to Section 57a of the German Criminal Code, Mr. Galić is eligible to have the enforcement of the remainder of his sentence suspended, Germany shall notify the Registrar of the Mechanism accordingly. If the President of the Mechanism, in consultation with any Judges of the sentencing Chamber who are Judges of the Mechanism, does not consider that suspending the enforcement of the remainder of the sentence and/or early release is appropriate, the Registrar shall immediately notify the competent national authorities who, upon the request of the Mechanism, shall provide for the immediate transfer of Mr. Galić to the Mechanism or, if Germany expressly consents thereto, shall continue the enforcement in Germany.

4. A review by the German enforcement authorities of eligibility for suspension of enforcement of the remainder of his sentence pursuant to applicable national law shall take place on 10 October 2016, and thereafter at the latest every two years *ex officio* or upon application by the convicted person, who is to be informed of his right to submit an application, or at an earlier date determined by the President of the Mechanism pursuant to Article 10 of the Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, and Early Release of Persons convicted by the ICTR, ICTY or the Mechanism (MICT/3).

5. Furthermore, the competent national authorities shall *ex officio* notify the Mechanism immediately if the health condition of the convicted person prevents a continuation of enforcement, and shall procure a decision from the Mechanism regarding the termination of enforcement.

6. The conditions of imprisonment shall be in accordance with relevant human rights standards, which Germany is obliged under international law to respect.”

I would be grateful if you could confirm that the above is agreeable to the Government of the Federal Republic of Germany.

In such event, this letter and Your Excellency’s letter in response expressing your Government’s agreement shall amend, as of the date of your letter in response, the Agreement between the ICTY and the Government of the Federal Republic of Germany of 16 December 2008 concerning the enforcement of Mr. Stanislav Galić’s sentence in Germany.

Please accept, Excellency, the assurances of my highest consideration.

John Hocking
Registrar
Mechanism for International Criminal Tribunal and
International Criminal Tribunal for the former Yugoslavia



Embassy
of the Federal Republic of Germany
The Hague

Groot Hertoginnelaan 18 - 20, 2517 EG The Hague

Franz Josef Kremp

Ambassador of the Federal Republic of Germany

Mr. John Hocking
Registrar of the Mechanism for
International Criminal Tribunals
Churchillplein 1
2517 JW Den Haag
The Netherlands

The Hague, 13 February 2015

Dear Mr. Hocking,

I have the honour to confirm receipt of your Note dated 11 February 2015, with which you propose on behalf of the Mechanism for International Criminal Tribunals the conclusion of an Agreement between the Government of the Federal Republic of Germany and the Mechanism for International Criminal Tribunals concerning the conditions of the further enforcement of the prison sentence of Mr. Stanislav Galić. Your Note reads as follows:

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I have the honour to refer to the Agreement between the International Criminal Tribunal for the former Yugoslavia (“ICTY”) and the Government of the Federal Republic of Germany (“Germany”) of 16 December 2008 concerning the enforcement of Mr. Stanislav Galić’s sentence in Germany (“Agreement”), which, in accordance with Security Council resolution 1966 (2010), applies *mutatis mutandis* to the Mechanism for International Criminal Tribunals (“Mechanism”).

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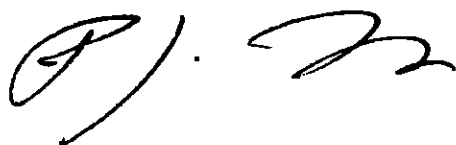
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Please accept, Excellency, the assurances of my highest consideration.”

I have the honour to inform you that the Government of the Federal Republic of Germany agrees to the proposals contained in your Note. Your Note and this Note in response shall therefore constitute an Agreement between the Government of the Federal Republic of Germany and the Mechanism for International Criminal Tribunals, which shall take effect on the date of this Note.

Accept, Mr. Hocking, the assurances of my highest consideration.

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by a period and a series of fluid, connected strokes that suggest the name 'P. Hocking'.