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Mechanism for
 International
 Criminal
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Mécanisme pour
 les Tribunaux
 Pénaux
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CASE/AFFAIRE NO.	MICT-14-67-ES.1 (N. SAINOVIC)	DATE	01 April 2014 23 SEPT 2014
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FROM/DE CARLINE AMEERALI, DEPUTY CHIEF CMSS

TO/A		
<input checked="" type="checkbox"/> Office of the President/ <i>Le Bureau du Président</i>	<input type="checkbox"/> Office of the Prosecutor/ <i>Le Bureau du Procureur</i>	<input checked="" type="checkbox"/> Defense Counsel/Conseil de la Défense MR. T. FILA / MR. V. PETROVIC
<input type="checkbox"/> Appeals Chamber/ <i>Chambre d'appel</i>		
<input type="checkbox"/> Trial Chamber/ <i>Chambre de 1ère instance</i>		
<input type="checkbox"/> Specially Appointed Chamber/ <i>Chambre spécialement désignée</i>		
<input type="checkbox"/> Single Judge/Juge unique		
<input type="checkbox"/> Embassy/Ambassade		
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<input checked="" type="checkbox"/> Office of the Registrar/Le Bureau du Greffier		<input checked="" type="checkbox"/> WISP
<input type="checkbox"/> Senior Legal Officer/Juriste hors-classe		<input checked="" type="checkbox"/> UNDU
<input checked="" type="checkbox"/> Communications Service/Service Communication		<input checked="" type="checkbox"/> OLAD

PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT

Order/Warrant/Decision issued by Appeals Chamber/Trial Chamber/Specially Appointed Chamber/Judge on
Ordonnance/Mandat/Décision émis(e) par la Chambre d'appel/la Chambre de 1ère instance/la Chambre spécialement désignée un Juge le ___/___/___

Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le 21.03.2014

Motion/Request/Application submitted by Prosecution/Defence Counsel/Accused/ Third Party on
Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense/l'Accusé/le tiers le ___/___/___

Response/Reply/Brief submitted by Prosecution/Defence Counsel/Accused on
Réponse/Réplique/Mémoire présenté(e) par l'Accusation/le Conseil de la défense/Accusé le ___/___/___

Decision of the Registrar on/Décision du Greffier le ___/___/___

Other/Autre

RECEIVED/RECU	FILED/ENREGISTRE
<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 31-03-2014 (17:20)	<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 31-03-2014
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MICT-14-67-ES
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31 MARCH 2014

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**UNITED
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Mechanism for International Criminal Tribunals

Case No. MICT-14-67-ES

Date: 31 March 2014

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Order of: 31 March 2014

PROSECUTOR

v.

NIKOLA ŠAINOVIĆ

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH
NIKOLA ŠAINOVIĆ IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor
Mr. Hassan Bubacar Jallow

Counsel for Nikola Šainović
Mr. Toma Fila
Mr. Vladimir Petrović

I, THEODOR MERON, President of the International Residual Mechanism for Criminal Tribunals ("Mechanism");

NOTING the Judgement rendered by the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia ("ICTY") on 23 January 2014, in the case of *Prosecutor v. Nikola Šainović et al.*, Case No. IT-05-87-A ("Appeal Judgement"), in which Nikola Šainović was sentenced to 18 years of imprisonment, subject to credit being given under Rule 101(C) of the Rules of Procedure and Evidence of the ICTY for the period already spent in detention;¹

CONSIDERING the confidential memorandum conveyed to me by the Registrar of the Mechanism ("Registrar") on 27 March 2014 ("Memorandum"), in accordance with the terms of the Practice Direction on the Procedure for Designation of the State in Which a Convicted Person is to Serve his or her Sentence of Imprisonment ("Practice Direction");²

CONSIDERING the Agreement between the United Nations and the Government of Sweden on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, entered into force on 23 February 1999, concerning the enforcement of sentences imposed by the ICTY, which continues in force, *mutatis mutandis*, in relation to the Mechanism;³

CONSIDERING that the Kingdom of Sweden has indicated to the Registry its willingness to enforce the sentence imposed upon Nikola Šainović;⁴

HAVING CONSIDERED all the factors enumerated in the Practice Direction, including the views of the convicted person;

PURSUANT TO Article 25 of the Statute of the Mechanism, Rule 127 of the Rules of Procedure and Evidence of the Mechanism ("Rules"), and paragraphs 5 through 7 of the Practice Direction;

¹ Appeal Judgement, p. 740.

² MICT/2, 5 July 2012.

³ See U.N. Security Council Resolution 1966, U.N. Doc. S/RES/1966 (2010), 22 December 2010, para. 4 ("[T]he Mechanism shall continue the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR, respectively, subject to the provisions of this resolution and the Statute of the Mechanism, and all contracts and international agreements concluded by the United Nations in relation to the ICTY and the ICTR, and still in force as of the relevant commencement date, shall continue in force *mutatis mutandis* in relation to the Mechanism [.]").

⁴ Memorandum, para. 8. See also Memorandum, para. 28.

HEREBY DECIDE that Nikola Šainović shall serve his sentence in the Kingdom of Sweden;

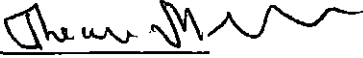
INVITE the Registrar to officially request the Government of the Kingdom of Sweden to enforce the sentence of Nikola Šainović and, should the Government of the Kingdom of Sweden accede to this request, so inform and take all necessary measures to facilitate Nikola Šainović's transfer to the Kingdom of Sweden;

ORDER, pursuant to Rule 127(C) of the Rules, that Nikola Šainović shall remain in the custody of the Mechanism while awaiting his transfer to the Kingdom of Sweden; and

INSTRUCT the Registrar to lift the confidential status of the present order once Nikola Šainović's transfer to the Kingdom of Sweden has been completed and **ORDER** that the present order shall thereupon and henceforth be considered a public filing.

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

Done this 31st day of March 2014,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]