

MADE PUBLIC PURSUANT TO PRESIDENT'S ORDER
 AS CONTAINED IN THIS ~~CONFIDENTIAL~~
 DECISION

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United Nations
 Nations Unies

Mechanism for
 International
 Criminal
 Tribunals

Mécanisme pour
 les Tribunaux
 Pénaux
 Internationaux

CASE/AFFAIRE NO. MICT-14-76-ES (V. DORDEVIC)		DATE 30 April 2014
FROM/DE VIKTORIJA TASEVA, COURT OFFICER		21/10/2014 Jog
TO/A		
<input checked="" type="checkbox"/> Office of the President/ Le Bureau du Président	<input type="checkbox"/> Office of the Prosecutor/ Le Bureau du Procureur	<input checked="" type="checkbox"/> Defense Counsel/Conseil de la Défense
<input type="checkbox"/> Appeals Chamber/ Chambre d'appel		MR. D. DORDEVIC / MR. V. DURDIC / MR. R. HOPKINS / MS. M. O'LEARY
<input type="checkbox"/> Trial Chamber/ Chambre de 1ère instance		
<input type="checkbox"/> Specially Appointed Chamber/ Chambre spécialement désignée		
<input type="checkbox"/> Single Judge/Juge unique		
<input type="checkbox"/> Embassy/Ambassade		
<input checked="" type="checkbox"/> Other/Autre STATE (1 CC) HOST COUNTRY(2CC)		
<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
* Communications Service/Service Communication (21. 10. 2014)		<input checked="" type="checkbox"/> OLAD
PLEASE FIND ATTACHED / VEUILLEZ TROUVER CI-JOINT		
<input type="checkbox"/> 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 ____/____/____		
<input checked="" type="checkbox"/> Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le 30/04/2014		
<input type="checkbox"/> 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 ____/____/____		
<input type="checkbox"/> 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 ____/____/____		
<input type="checkbox"/> Decision of the Registrar on/Décision du Greffier le ____/____/____		
<input type="checkbox"/> Other/Autre		
RECEIVED/RECU		FILED/ENREGISTRE
<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 30/04/2014		<input checked="" type="checkbox"/> Office hours/heures ouvrables Date: 30/04/2014
<input type="checkbox"/> Outside Office hours/en dehors des heures ouvrables Date: ____/____/____ Time/Heure: ____ h ____.		<input type="checkbox"/> Outside Office hours/en dehors des heures ouvrables Date: ____/____/____ Time/Heure: ____ h ____.

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MICT-14-76-ES
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30 April 2014

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**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-14-76-ES

Date: 30 April 2014

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Order of: 30 April 2014

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH VLASTIMIR
ĐORĐEVIĆ IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor

Mr. Hassan Bubacar Jallow

Counsel for Vlastimir Đorđević

Mr. Dragoljub Đorđević

Mr. Veljko Đurđić

Mr. Russell Hopkins

Ms. Marie O'Leary

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 27 January 2014, in the case of *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-A ("Appeal Judgement"), in which Vlastimir Đorđević 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 Registry of the Mechanism ("Registry") on 5 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;²

CONSIDERING that the Government of the Federal Republic of Germany has indicated to the Registry its willingness to enforce the sentence imposed upon Vlastimir Đorđević;³

CONSIDERING that, while the Federal Republic of Germany is not in a position to enter into a general agreement with the United Nations on the enforcement of sentences in view of its federal structure, the German authorities have indicated that they are nonetheless prepared to conclude agreements for individual cases on the basis of an exchange of notes;

CONSIDERING that the German authorities have in this case indicated that they are prepared to conclude such an agreement with respect to Vlastimir Đorđević;

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;

HEREBY DECIDE that Vlastimir Đorđević shall serve his sentence in the Federal Republic of Germany;

¹ Appeal Judgement, p. 380.

² MICT/2, 5 July 2012. A revised version 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 was issued on 24 April 2014. See MICT/2 Rev.1, 24 April 2014 ("Practice Direction").

³ Memorandum, paras. 6-7. See also Memorandum, para. 28.

INVITE the Registrar of the Mechanism ("Registrar") to officially request the Government of the Federal Republic of Germany to enforce the sentence of Vlastimir Đorđević and, should the Government of the Federal Republic of Germany accede to this request, so inform and take all necessary measures to facilitate Vlastimir Đorđević's transfer to the Federal Republic of Germany;

ORDER, pursuant to Rule 127(C) of the Rules, that Vlastimir Đorđević shall remain in the custody of the Mechanism while awaiting his transfer to the Federal Republic of Germany; and

INSTRUCT the Registrar to lift the confidential status of the present order once Vlastimir Đorđević's transfer to the Federal Republic of Germany 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 30th day of April 2014,
At The Hague,
The Netherlands.


Judge Theodor Meron
President

[Seal of the Mechanism]