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Mechanism for  
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Mecanisme pour les  
Tribunaux Pénaux  
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**CASE/AFFAIRE NO.** MICT-15-85-ES.3 L.  
Beara (Enforcement) **DATE** 29/05/2015

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**Prosecutor Team MICT:**

**Defense Counsel/ Conseil de la Défense:** J. Ostojic

**Registrar/ Greffier:** Mr. J. Hocking

**OLAD:**

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**MADE PUBLIC PURSUANT TO PRESIDENT'S ORDER, AS CONTAINED IN THIS DECISION,**

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**Order designating State in which Ljubisa Beara is to serve his sentence, submitted by President on 28 May 2015**

<b>RECEIVED/RECU</b>	<b>FILED/ENREGISTRE</b>
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**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-15-85-ES.3

Date: 28 May 2015

Original: English

**THE PRESIDENT OF THE MECHANISM**

**Before: Judge Theodor Meron, President**

**Registrar: Mr. John Hocking**

**Order of: 28 May 2015**

**PROSECUTOR**

**v.**

**LJUBIŠA BEARA**

***CONFIDENTIAL***

**ORDER DESIGNATING STATE IN WHICH  
LJUBIŠA BEARA IS TO SERVE HIS SENTENCE**

**The Office of the Prosecutor**

Mr. Hassan Bubacar Jallow

**Counsel for Ljubiša Beara**

Mr. John Ostojić

**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 30 January 2015, in the case of *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A (“Appeal Judgement”), in which Ljubiša Beara was sentenced to life 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;<sup>1</sup>

**CONSIDERING** the confidential memorandum conveyed to me by the Registry of the Mechanism (“Registry”) on 19 May 2015 (“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;<sup>2</sup>

**CONSIDERING** that the Government of the Federal Republic of Germany has indicated to the Registry its willingness to enforce the sentence imposed upon Ljubiša Beara;<sup>3</sup>

**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 Ljubiša Beara;

**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 Ljubiša Beara shall serve his sentence in the Federal Republic of Germany;

**INVITE** the Registrar of the Mechanism (“Registrar”) to officially request the Government of the Federal Republic of Germany to enforce the sentence of Ljubiša Beara and, should the

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<sup>1</sup> Appeal Judgement, p. 714.

<sup>2</sup> MICT/2 Rev.1, 24 April 2014 (“Practice Direction”).

<sup>3</sup> Memorandum, paras. 6-7. *See also* Memorandum, para. 24.

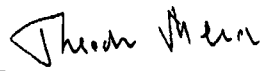
Government of the Federal Republic of Germany accede to this request, so inform and take all necessary measures to facilitate Ljubiša Beara's transfer to the Federal Republic of Germany;

**ORDER**, pursuant to Rule 127(C) of the Rules, that Ljubiša Beara 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 Ljubiša Beara'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 28th day of May 2015,  
At The Hague,  
The Netherlands.

  
\_\_\_\_\_  
Judge Theodor Meron  
President

[Seal of the Mechanism]