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CHANGE OF STATUS

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

PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT

Order designating State in which Sreten Lukic is to serve his sentence, submitted by President on 6 August 2015

COMMENTS

Mr. Sreten Lukic (1 cc)

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**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-14-67-ES.4

Date: 6 August 2015

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Order of: 6 August 2015

PROSECUTOR

v.

SRETEN LUKIĆ

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH
SRETEN LUKIĆ IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor
Mr. Hassan Bubacar Jallow

Counsel for Sreten Lukić
Mr. Dragan Ivetić

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 Sreten Lukić was sentenced to 20 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 28 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;²

CONSIDERING that the Government of the Republic of Poland has indicated to the Registry its willingness to enforce the sentence imposed upon Sreten Lukić;³

CONSIDERING the Agreement between the Government of the Republic of Poland and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, concluded on 18 September 2008, which continues in force, *mutatis mutandis*, in relation to the Mechanism;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;

HEREBY DECIDE that Sreten Lukić shall serve his sentence in the Republic of Poland;

¹ Appeal Judgement, p. 742.

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

³ Memorandum, para. 5. *See also* Memorandum, para. 27.

⁴ *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 [.]”).

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

ORDER, pursuant to Rule 127(C) of the Rules, that Sreten Lukić shall remain in the custody of the Mechanism while awaiting his transfer to the Republic of Poland; and

INSTRUCT the Registrar to lift the confidential status of the present order once Sreten Lukić's transfer to the Republic of Poland 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 6th day of August 2015,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]