



United Nations
Nations Unies

Mechanism for
International
Criminal Tribunals

Mécanisme pour les
Tribunaux Pénaux
Internationaux

REDISTRIBUTION ON 06/04/2016

STATUS Public **D/ A** 4

CASE/AFFAIRE NO. MICT-15-85-ES.5 R.
Miletic (Enforcement) **DATE** 15/12/2015

FROM/DE CARLINE AMEERALI, HEAD, COURTROOM OPERATIONS

APPROVED FOR DISTRIBUTION
APPROUVE POUR DISTRIBUTION PAR Carline AMEERALI

TO/A
Prosecutor MICT/ Procureur du MTPI: Mr. S. Brammertz
Prosecutor Team MICT/ Équipe du Procureur du MTPI:
Defense Counsel/ Conseil de la Défense: N. Petrusic, Ms. N. Fauveau-Ivanovic
Registrar/ Greffier: Mr. J. Hocking
OLAD/ Bureau de l'aide juridictionnelle et de la défense:
UNDU Commanding Officer/ Commandant du OPNU:
Communication Services/ Service Communication:
Courtroom Operations/ Opérations en salle d'audience: Ms. Carline Ameerali
Judicial Records Unit/ Service des dossiers judiciaires: Mr. S.R. Haider
MICT Arusha Registry/ Greffe de la Division du MTPI à Arusha:
President MICT/ Président du MTPI:
Witness Support and Protection Unit/ Service d'appui et de protection des témoins:
External Entities/ Autre: STATE (1cc)

CHANGE OF STATUS

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

PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT

Order designating State in which Radivoje Miletic is to serve his sentence, submitted by President on 15 December 2015

RECEIVED/RECU	FILED/ENREGISTRE
15/12/2015	15/12/2015

For guidelines regarding filing procedures, please see the Practice Direction on Filings made before the Mechanism for International Criminal Tribunals, MICT/7.

Pour les procédures concernant le dépôt des documents, voir la Directive pratique relative au dépôt de documents devant le Mécanisme pour les Tribunaux Pénaux Internationaux, MICT/7

Confidentiality statement:

The email notification and its attachments may contain confidential and privileged information and is intended to be for the use of the individual or entity named above.

If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the document(s) is prohibited.

If you have received the document(s) in error, please notify Mechanism The Hague Judicial Filings at JudicialFilingsHague@un.org and delete the material from your computer immediately.

Déclaration de confidentialité :

Ce courrier électronique et les documents qui y sont joints sont susceptibles de contenir des informations confidentielles ou couvertes par le secret professionnel. Ils sont exclusivement destinés aux personnes ou organismes dont le nom est indiqué ci-dessus.

Dans l'hypothèse où vous auriez reçu ce courrier électronique par erreur, veuillez noter que toute divulgation, reproduction, diffusion ou utilisation de ces documents est rigoureusement interdite. Le cas échéant, merci de bien vouloir signaler cette erreur en écrivant à l'adresse suivante: JudicialFilingsHague@un.org et supprimer immédiatement les documents en question de votre ordinateur

Churchillplein 1,
2517 JW The Hague.
P.O. Box 13888,
2501 EW The Hague
Netherlands

Churchillplein 1,
2517 JW La Haye.
B.P. 13888, 2501 EW
La Haye. Pays-Bas

Tel.: 31-70-512 5689 /
8751

Fax: 31-70-512 8558

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-15-85-ES.5

Date: 15 December 2015

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Order of: 15 December 2015

PROSECUTOR

v.

RADIVOJE MILETIĆ

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH RADIVOJE
MILETIĆ IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor

Mr. Hassan Bubacar Jallow

Counsel for Mr. Radivoje Miletić

Ms. Natacha Fauveau Ivanović

Mr. Nenad Petrušić

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 Radivoje Miletić 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 2 December 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 Finland has indicated to the Registry its willingness to enforce the sentence imposed upon Radivoje Miletić;³

CONSIDERING the Agreement between the International Criminal Tribunal for the former Yugoslavia and the Government of the Republic of Finland on the Enforcement of Sentences of the International Tribunal, entered into force on 7 May 1997, concerning the enforcement of sentences imposed by the ICTY, 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 Radivoje Miletić shall serve his sentence in the Republic of Finland;

¹ Appeal Judgement, p. 715.

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

³ Memorandum, paras. 6-7. *See also* Memorandum, para. 29.

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 Finland to enforce the sentence of Radivoje Miletic and, should the Government of the Republic of Finland accede to this request, so inform and take all necessary measures to facilitate Radivoje Miletic's transfer to the Republic of Finland;

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

INSTRUCT the Registrar to lift the confidential status of the present order once Radivoje Miletic's transfer to the Republic of Finland 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 15th day of December 2015,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]