

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-53-ES.1

Date: 15 March 2024

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Order of: 15 March 2024

PROSECUTOR

v.

STOJAN ŽUPLJANIN

CONFIDENTIAL

**ORDER DESIGNATING THE STATE IN WHICH
STOJAN ŽUPLJANIN IS TO SERVE THE REMAINDER OF HIS
SENTENCE**

Counsel for Mr. Stojan Župljanin:

Mr. Dragan Krgović

I, GRACIELA GATTI SANTANA, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

NOTING that, on 11 June 2008, Mr. Stojan Župljanin (“Župljanin”) was arrested and, on 21 June 2008, was transferred to the seat of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) in The Hague, Kingdom of the Netherlands (“Netherlands”);¹

NOTING that, on 27 March 2013, Trial Chamber II of the ICTY found Župljanin guilty of persecution and extermination as crimes against humanity, and murder and torture as violations of the laws or customs of war, and sentenced him to 22 years of imprisonment;²

NOTING that, on 30 June 2016, the Appeals Chamber of the ICTY affirmed Župljanin’s convictions and sentence;³

NOTING that, on 7 August 2019, Župljanin was transferred to the Republic of Poland (“Poland”) to serve his sentence;⁴

RECALLING that, on 3 May 2023, I received from the Registrar of the Mechanism (“Registrar”) a confidential memorandum, in which he, *inter alia*: (i) referred to a communication from Poland that Župljanin’s sentence can only be enforced in Poland until 8 June 2023; (ii) indicated that the Registry of the Mechanism had been working diligently to identify a new enforcement State for Župljanin but had not yet been successful; and (iii) recommended that Župljanin be returned to the United Nations Detention Unit (“UNDU”) temporarily;⁵

RECALLING further that, on 12 May 2023, I instructed the Registrar to take all necessary measures and make the appropriate arrangements for Župljanin to be returned to the UNDU on a temporary basis;⁶

CONSIDERING that the Kingdom of Norway (“Norway”) has informed the Mechanism of its willingness to enforce the remainder of the sentence imposed upon Župljanin by the ICTY;⁷

¹ See *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-T, Judgement, 27 March 2013 (“Trial Judgement”), vol. 3, para. 4.

² Trial Judgement, vol. 2, para. 956.

³ *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-A, Judgement, 30 June 2016, para. 1193.

⁴ See Order for the Transfer of Stojan Župljanin to the United Nations Detention Unit on a Temporary Basis, 12 May 2023 (“Order of 12 May 2023”), p. 1. See also Order Designating the State in which Stojan Župljanin is to Serve his Sentence, 6 June 2019, p. 2.

⁵ Internal Memorandum from the Registrar to the President, dated 3 May 2023 (confidential), paras. 1-2, 5. See Order of 12 May 2023, p. 2, referencing a letter from the Polish Minister of Justice to the Registrar, dated 21 November 2022.

⁶ Order of 12 May 2023, p. 2.

CONSIDERING the confidential memorandum conveyed to me by the Registrar on 15 March 2024 pursuant to 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”),⁸ whereby the Registrar *inter alia*: (i) refers to the communications received from Norway; (ii) attaches the views expressed by Župljanin in relation to the possible designation of Norway as the State in which he may serve the remainder of his sentence; (iii) provides other information set out in the Practice Direction; and (iv) recommends Norway as the State in which Župljanin is to serve the remainder of his sentence;⁹

CONSIDERING the Agreement between the Government of Norway and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, concluded on 24 April 1998, which continues in force, *mutatis mutandis*, in relation to the Mechanism;¹⁰

HAVING CONSIDERED all the factors enumerated in the Practice Direction, including the views expressed by Župljanin, as well as the recommendation of the Registrar;

PURSUANT TO Article 25 of the Statute, 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 Župljanin shall serve the remainder of his sentence in Norway;

INSTRUCT the Registrar to officially request the Government of Norway to enforce the sentence of Župljanin and, should the Government of Norway accede to this request, inform Župljanin and the relevant authorities of the Netherlands thereof and take all necessary measures to facilitate Župljanin’s transfer to Norway as expeditiously as possible;

AUTHORISE the Registrar to share the present order, on a confidential basis, with the relevant authorities of Norway, if necessary;

⁷ See Internal Memorandum from the Registrar to the President, dated 15 March 2024 (confidential) (“Memorandum of 15 March 2024”), paras. 11-12.

⁸ MICT/2/Rev. 1, 24 April 2014.

⁹ Memorandum of 15 March 2024.

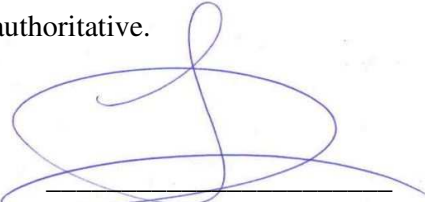
¹⁰ See Security Council Resolution 1966 (2010), 22 December 2010, para. 4 (“[T]he Mechanism shall continue the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR, respectively, subject to the provisions of this resolution and the Statute of the Mechanism, and all contracts 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[.]”). According to Article 25(2) of the Statute of the Mechanism (“Statute”), “[t]he Mechanism shall have the power to supervise the enforcement of sentences pronounced by the ICTY, the ICTR or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States”.

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

INSTRUCT the Registrar to lift the confidential status of the present order and recirculate it as a public filing once Župljanin's transfer to Norway has been completed.

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

Done this 15th day of March 2024,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	<input type="checkbox"/> IRMCT Registry/ Greffe du MIFRTP	<input type="checkbox"/> Arusha/ Arusha	<input checked="" type="checkbox"/> The Hague/ La Haye					
From/ De :	<input checked="" type="checkbox"/> President/ Président	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Registrar/ Greffier	<input type="checkbox"/> Other/ Autre		
Case Name/ Affaire :	Prosecutor v. Stojan Župljanin		Case Number/ Affaire n° :	MICT-13-53-ES.1				
Date Created/ Daté du :	15 March 2024		Date transmitted/ Transmis le :	15 March 2024		Number of Pages/ Nombre de pages :	4	
Original Language/ Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/ Autre (specify/ préciser):			
Title of Document/ Titre du document :	Order designating the State in which Stojan Župljanin is to serve the remainder of his sentence							
Classification Level/ Catégories de classification :	<input type="checkbox"/> Public/ Document public	<input checked="" type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu	<input type="checkbox"/> Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu	<input type="checkbox"/> Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/ préciser) :	
Document type/ Type de document :	<input type="checkbox"/> Motion/ Requête	<input type="checkbox"/> Judgment/ Jugement/Arrêt	<input type="checkbox"/> Book of Authorities/ Recueil de sources	<input type="checkbox"/> Warrant/ Mandat	<input type="checkbox"/> Decision/ Décision	<input type="checkbox"/> Submission from parties/ Écritures déposées par des parties	<input type="checkbox"/> Affidavit/ Déclaration sous serment	<input type="checkbox"/> Notice of Appeal/ Acte d'appel
	<input checked="" type="checkbox"/> Order/ Ordonnance	<input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers	<input type="checkbox"/> Indictment/ Acte d'accusation					

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ La traduction n'est pas requise
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word du document est jointe)
<input type="checkbox"/> English/ Anglais <input checked="" type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input checked="" type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/préciser):
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :
Original/ Original en : <input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/ préciser):
Traduction/ Traduction en : <input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/ préciser):
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s):
<input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/préciser):