

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-53-ES.2

Date: 7 June 2019

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before: Judge Carmel Agius, President**

**Registrar: Mr. Olufemi Elias**

**Order of: 7 June 2019**

**PROSECUTOR**

**v.**

**MIĆO STANIŠIĆ**

***CONFIDENTIAL***

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**ORDER DESIGNATING THE STATE IN WHICH  
MIĆO STANIŠIĆ IS TO SERVE HIS SENTENCE**

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**The Office of the Prosecutor:**

Mr. Serge Brammertz

**Counsel for Mr. Mićo Stanišić:**

Mr. Slobodan Zečević

**I, CARMEL AGIUS**, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism” respectively);

**NOTING** the “Judgement” rendered by the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (“Appeals Chamber” and “ICTY” respectively) on 30 June 2016, in the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-A (“Appeal Judgement”), in which the Appeals Chamber affirmed the sentence of 22 years of imprisonment imposed on Mr. Mićo Stanišić (“Stanišić”), 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** that the Republic of Poland, through a letter sent on the authority of the Minister of Justice of the Republic of Poland to the Registrar of the Mechanism (“Registrar”), has communicated its willingness to enforce the remainder of the sentence imposed upon Stanišić by the ICTY;<sup>2</sup>

**CONSIDERING** the confidential memorandum conveyed to me by the Registrar on 7 June 2019 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”),<sup>3</sup> whereby the Registrar: (i) refers to the letter received from the Republic of Poland; (ii) attaches the views expressed by Stanišić in relation to the possible designation of the Republic of Poland as the State in which he may serve his sentence; (iii) provides other information set out in the Practice Direction; and (iv) recommends the Republic of Poland as the State in which Stanišić is to serve his sentence;

**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;<sup>4</sup>

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<sup>1</sup> Appeal Judgement, para. 1193.

<sup>2</sup> Letter from the Minister of Justice of the Republic of Poland, to the Registrar of the Mechanism, 15 May 2019.

<sup>3</sup> MICT/2/Rev. 1, 24 April 2014.

<sup>4</sup> See Security Council resolution 1966 (2010), S/RES/1966 of 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, “[t]he Mechanism shall have the power to supervise the enforcement of

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

**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 Mr. Mićo Stanišić shall serve his sentence in the Republic of Poland;


**INVITE** the Registrar to officially request the Government of the Republic of Poland to enforce the sentence of Stanišić and, should the Government of the Republic of Poland accede to this request, inform Stanišić thereof and take all necessary measures to facilitate Stanišić’s transfer as soon as feasible to the Republic of Poland;

**ORDER**, pursuant to Rule 127(C) of the Rules, that Stanišić 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 and recirculate it as a public filing once Stanišić’s transfer to the Republic of Poland has been completed.

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

Done this 7th day of June 2019,  
At The Hague,  
The Netherlands.

  
\_\_\_\_\_  
Judge Carmel Agius  
President

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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”.



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