

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-14-67-ES.2

Date: 15 October 2021

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before:** Judge Carmel Agius, President

**Registrar:** Mr. Abubacarr Tambadou

**Order of:** 15 October 2021

**PROSECUTOR**

v.

**NEBOJŠA PAVKOVIĆ**

*PUBLIC*

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**ORDER FOR THE FILING OF A PUBLIC REDACTED VERSION  
OF NEBOJŠA PAVKOVIĆ'S FINAL SUBMISSIONS**

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**Office of the Prosecutor:**

Mr. Serge Brammertz

**Counsel for Mr. Nebojša Pavković:**

Mr. Aleksandar Aleksić

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

**RECALLING** that Mr. Nebojša Pavković (“Pavković”) is serving the remainder of his 22-year sentence in the Republic of Finland (“Finland”), following his convictions for murder, persecution, deportation, and other inhumane acts (forcible transfer) as crimes against humanity, as well as murder as a violation of the laws or customs of war, before the International Criminal Tribunal for the former Yugoslavia (“ICTY”);<sup>1</sup>

**NOTING** that in a notification dated 9 June 2020, Finland informed the Mechanism, with reference *inter alia* to paragraph 7 of the Practice Direction pertaining to applications for pardon, commutation of sentence, or early release,<sup>2</sup> of the date on which Pavković would have served two-thirds of his sentence (“State Notification”);<sup>3</sup>

**OBSERVING** that in his submissions of 22 July 2021 (“Final Submissions”), which were filed confidentially, Pavković indicates that he intends to file a public redacted version thereof contingent upon my order to do so;<sup>4</sup>

**RECALLING** that all proceedings before the Mechanism shall be public unless exceptional reasons require keeping them confidential;<sup>5</sup>

**CONSIDERING** that the personal circumstances of Pavković appearing in the Final Submissions may be safeguarded through appropriate redactions;

**CONSIDERING** that for reasons of security, the name of the prison in Finland where Pavković’s sentence is being enforced, details concerning the prison regime,<sup>6</sup> as well as the address and city in

<sup>1</sup> See Order Designating State in which Nebojša Pavković is to Serve his Sentence, 13 March 2014, pp. 1-2; *Prosecutor v. Nikola Šainović et al.*, Case No. IT-05-87-A, Judgement, 23 January 2014, paras. 9, 1847.

<sup>2</sup> Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, or Early Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism, MICT/3/Rev.3, 15 May 2020 (“Practice Direction”).

<sup>3</sup> Internal Memorandum from the Registrar to the President, dated 15 June 2020 (confidential), *transmitting* Communication from the Ministry of Justice of Finland, dated 9 June 2020; Registrar’s Submission of Information Transmitted by the Republic of Finland, 28 August 2020 (confidential). I refer to the notification from Finland as a “State Notification”, consistent with paragraph 3 of the Practice Direction.

<sup>4</sup> Nebojša Pavković’s Submission pursuant to Paragraph 13 of the Practice Direction for the Determination of Applications for Pardon, Commutation of Sentence or Early Release, 22 July 2021 (confidential), para. 4.

<sup>5</sup> *Prosecutor v. Vlastimir Đorđević*, Case No. MICT-14-76-ES, Order for the Filing of a Public Redacted Version of Vlastimir Đorđević’s Final Submissions, 14 October 2021, p. 1; *Prosecutor v. Milan Lukić*, Case No. MICT-13-52-R.1, Decision on Milan Lukić’s Motion to Lift the Confidential Status of Certain Filings, 1 February 2021, p. 2; *Prosecutor v. Maximilien Turinabo et al.*, Case No. MICT-18-116-PT, Decision on Ndagijimana Motion to Appoint an *Amicus Curiae* to Investigate Alleged False Testimony, 21 August 2021, p. 3.

<sup>6</sup> Final Submissions, para. 7 (text after “were immaculate”, up to “In the opinion of the prison”).

which he would intend to reside if released early,<sup>7</sup> should also be redacted from the Final Submissions;

**CONSIDERING** further that information of a confidential nature should also be redacted;<sup>8</sup>

**HEREBY ORDER** Pavković to file, within 14 days, a public redacted version of the Final Submissions consistent with the present Order.

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

Done this 15th day of October 2021,  
At The Hague,  
The Netherlands.



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Judge Carmel Agius  
President

[Seal of the Mechanism]

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<sup>7</sup> Final Submissions, para. 15 (the name of the city, as well as all information after “the address”).

<sup>8</sup> Final Submissions, para. 14 (all text after “Monitoring Authority” as well as the content of footnote 14) *and* Annex C. In addition, if the document included in Annex B has not been filed publicly in proceedings before the ICTY or the Mechanism, that annex should be redacted as well.



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