

**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 Miletic

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]