

IT-95-11-ES
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18 February 2009

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**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia since 1991

Case No. IT-95-11-ES
Date: 18 February 2009
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Patrick Robinson, President
Acting Registrar: Mr. John Hocking
Decision of: 18 February 2009

THE PROSECUTOR

v.

MILAN MARTIĆ

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH MILAN MARTIĆ
IS TO SERVE HIS SENTENCE**

Office of the Prosecutor

Ms. Michelle Jarvis
Mr. Paul Rogers
Ms. Laurel Baig
Ms. Kristina Carey
Ms. Nicole Lewis
Ms. Najwa Nabti

Counsel for Milan Martić

Mr. Predrag Milovančević
Mr. Nikola Perović

I, PATRICK ROBINSON, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“International Tribunal”);

NOTING the “Judgement” rendered by the Appeals Chamber on 8 October 2008 in the case of *Prosecutor v. Milan Martić*, Case No. IT-95-11-A, in which Milan Martić was sentenced to 35 years of imprisonment, subject to credit being given under Rule 103(C) and Rule 107 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) for the period already spent in detention;

PURSUANT to Article 27 of the Statute of the International Tribunal, Rule 103(A) of the Rules and paragraphs four to six of the Practice Direction on the Procedure for the International Tribunal’s Designation of the State in Which a Convicted Person is to Serve His/Her Sentence of Imprisonment (“Practice Direction”);¹

CONSIDERING the confidential internal memorandum of 2 January 2009, submitted to me by the Acting Registrar within the terms of paragraph three of the Practice Direction and listing the States in which Milan Martić may serve his sentence;

CONSIDERING the “Agreement between the Government of the Republic of Estonia and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia,” which entered into force on 11 February 2008, concerning the enforcement of sentences passed by the International Tribunal;

CONSIDERING that the Government of the Republic of Estonia has indicated to the Registry its willingness to enforce Milan Martić’s sentence;

HAVING CONSIDERED all of the factors enumerated in the Practice Direction, including the family situation of Milan Martić;

FOR THE FOREGOING REASONS

DECIDE that Milan Martić shall serve his sentence in the Republic of Estonia;

INVITE the Registrar to officially request the authorities of the Republic of Estonia to enforce the sentence of Milan Martić and, should the government of the Republic of Estonia accede to this

¹ Practice Direction on the Procedure for the International Tribunal’s Designation of the State in Which a Convicted Person is to Serve His/Her Sentence of Imprisonment, IT/137, 9 July 1998.


request, so inform and take all necessary measures to facilitate Milan Martić's transfer to the Republic of Estonia;

ORDER pursuant to Rule 103(C) of the Rules that Milan Martić remain in the International Tribunal's custody while awaiting his transfer to the Republic of Estonia.

INSTRUCT the Registry of the International Tribunal to lift the confidential status of the present Order once Milan Martić's transfer to the Republic of Estonia has been completed and **ORDER** that this Order shall thereupon and henceforth be considered a public filing.

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

Done this 18th day of February 2009,
At The Hague,
The Netherlands.



Judge Patrick Robinson
President