

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No.: MICT-13-46-ES.1
/ IT-98-33-ES

Date: 19 July 2013

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Order of: 19 July 2013

PROSECUTOR

v.

RADISLAV KRSTIĆ

CONFIDENTIAL

**ORDER DESIGNATING THE STATE
IN WHICH RADISLAV KRSTIĆ IS TO SERVE
THE REMAINDER OF HIS SENTENCE**

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow

Counsel for Mr. Radislav Krstić:

Mr. Tomislav Višnjić

I, **THEODOR MERON**, President of the Mechanism for International Criminal Tribunals (“Mechanism”);

NOTING the Judgement pronounced by the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (“International Tribunal”) on 19 April 2004 in the case of *The Prosecutor v. Radislav Krstić*, Case No. IT-98-33-A, in which Radislav Krstić was sentenced to thirty-five (35) years of imprisonment, subject to credit being given under Rule 101(C) of the Rules of Procedure and Evidence of the International Tribunal for the period already spent in detention;

NOTING the “Order Designating the State in Which Radislav Krstić is to Serve his Prison Sentence”, issued by the President of the International Tribunal on 11 November 2004, by which the United Kingdom was designated as the State in which Mr. Krstić was to serve his sentence;

NOTING the confidential and *ex parte* “Decision on Application of Radislav Krstić for Transfer”, issued by the President of the International Tribunal on 4 October 2011, which granted Mr. Krstić’s request for transfer to another enforcement State and ordered Mr. Krstić’s transfer to the United Nations Detention Unit pending the designation of another State for the enforcement of the remainder of Mr. Krstić’s sentence;

CONSIDERING the confidential memoranda conveyed to me (i) by the Registrar of the International Tribunal on 31 May 2013 (“Memorandum of 31 May 2013”), in accordance with the terms 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,¹ and (ii) by the Registrar of the Mechanism (“Registrar”) on 12 July 2013, 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 (“Practice Direction”);²

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 also binds the Mechanism pursuant to paragraph 4 of U.N. Security Council Resolution 1966 of 22 December 2010;³

CONSIDERING that the Government of Poland has indicated to the Registrar its willingness to enforce the remainder of Mr. Krstić’s sentence;⁴

HAVING CONSIDERED all the factors enumerated in the Practice Direction;

¹ IT/137/Rev.1, 1 September 2009.

² MICT/2, 5 July 2012.

³ U.N. Doc. S/RES/1966.

⁴ Memorandum of 31 May 2013, para. 8.

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 8 of the Practice Direction;

HEREBY DECIDE that Radislav Krstić shall serve his sentence in Poland;


INVITE the Registrar to officially request the Government of Poland to enforce the remainder of Radislav Krstić’s sentence and, should the Government of Poland accede to this request, so inform the relevant parties and take all necessary measures to facilitate Radislav Krstić’s transfer to Poland;

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

INSTRUCT the Registrar to lift the confidential status of the present order once Radislav Krstić’s transfer to Poland 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 19th day of July 2013,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]

