

STATUS CHANGED TO PUBLIC PURSUANT  
TO THE INSTRUCTIONS AS CONTAINED  
WITHIN THIS ORDER.

MICT-13-52-ES.1  
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**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-13-52-ES.1

Date: 3 February 2014

Original: English

**THE PRESIDENT OF THE MECHANISM**

**Before:** Judge Theodor Meron, President

**Registrar:** Mr. John Hocking

**Order of:** 3 February 2014

**PROSECUTOR**

**v.**

**MILAN LUKIĆ**

***CONFIDENTIAL***

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

**The Office of the Prosecutor**  
Mr. Serge Brammertz

**Counsel for Milan Lukić**  
Mr. Tomislav Višnjić  
Mr. Dragan Ivetić

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**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 4 December 2012, in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-A, in which Milan Lukić was sentenced to life 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;

**CONSIDERING** the confidential memorandum conveyed to me by the Registrar of the Mechanism ("Registrar") on 29 November 2013 ("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 ("Practice Direction");<sup>1</sup>

**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, entered into force on 11 February 2008, concerning the enforcement of sentences imposed by the ICTY, which continues in force, *mutatis mutandis*, in relation to the Mechanism;<sup>2</sup>

**CONSIDERING** that the Government of Estonia has indicated to the Registrar its willingness to enforce the sentence imposed upon Milan Lukić;<sup>3</sup>

**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 Milan Lukić shall serve his sentence in Estonia;

<sup>1</sup> MICT/2, 5 July 2012.

<sup>2</sup> 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[.]").

<sup>3</sup> Memorandum, paras. 7-8.

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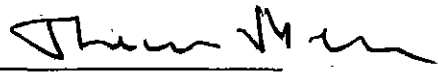
**INVITE** the Registrar to officially request the Government of Estonia to enforce the sentence of Milan Lukić and, should the Government of Estonia accede to this request, so inform and take all necessary measures to facilitate Milan Lukić's transfer to Estonia;

**ORDER**, pursuant to Rule 127(C) of the Rules, that Milan Lukić shall remain in the custody of the Mechanism while awaiting his transfer to Estonia; and

**INSTRUCT** the Registrar to lift the confidential status of the present order once Milan Lukić's transfer to Estonia 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 3rd day of February 2014,  
At The Hague,  
The Netherlands.

  
Judge Theodor Meron  
President

[Seal of the Mechanism]