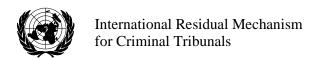
## UNITED NATIONS



Case No.: MICT-13-55-ES

Date: 12 May 2021

Original: English

### THE PRESIDENT OF THE MECHANISM

Before: Judge Carmel Agius, President

Registrar: Mr. Abubacarr Tambadou

Order of: 12 May 2021

**PROSECUTOR** 

v.

### RADOVAN KARADŽIĆ

#### **PUBLIC**

### ORDER DESIGNATING THE STATE IN WHICH RADOVAN KARADŽIĆ IS TO SERVE HIS SENTENCE

### **The Office of the Prosecutor:**

Mr. Serge Brammertz

### Counsel for Mr. Radovan Karadžić:

Mr. Peter Robinson

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

**NOTING** that, on 20 March 2019, the Appeals Chamber of the Mechanism, *inter alia*, imposed a sentence of life imprisonment on Mr. Radovan Karadžić ("Karadžić"), subject to credit being given for the period already spent in detention;<sup>1</sup>

**CONSIDERING** that the United Kingdom of Great Britain and Northern Ireland ("United Kingdom") has informed the Mechanism of its willingness to enforce the remainder of the sentence imposed upon Karadžić by the Mechanism;<sup>2</sup>

CONSIDERING the confidential memorandum conveyed to me by the Registrar of the Mechanism ("Registrar") on 11 May 2021 pursuant to 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>3</sup> whereby the Registrar: (i) refers to the communications received from the United Kingdom; (ii) attaches the views expressed by Karadžić in relation to the possible designation of the United Kingdom as the State in which he may serve his sentence;<sup>4</sup> (iii) provides other information set out in the Practice Direction; and (iv) recommends the United Kingdom as the State in which Karadžić is to serve his sentence;<sup>5</sup>

**CONSIDERING** the Agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the International Criminal Tribunal for the Former Yugoslavia, concluded on 11 March 2004, which continues in force, *mutatis mutandis*, in relation to the Mechanism;<sup>6</sup>

<sup>4</sup> I note that, on 10 May 2021, Karadžić also filed similar submissions directly before me. *See* Defence Submissions on Designation of Enforcement State, 10 May 2021 (confidential) ("Submissions"). While the Statute of the Mechanism ("Statute"), the Rules of Procedure and Evidence of the Mechanism ("Rules"), and the Practice Direction do not explicitly allow for a convicted person to file submissions directly before the President in this context, I have nevertheless considered the Submissions in reaching my present decision on where Karadžić shall serve his sentence.
<sup>5</sup> Internal Memorandum from the Registrar to the President, dated 11 May 2021 (confidential).

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<sup>&</sup>lt;sup>1</sup> Prosecutor v. Radovan Karadžić, Case No. MICT-13-55-A, Judgement, 20 March 2019 (public redacted), para. 777.

<sup>&</sup>lt;sup>2</sup> See Internal Memorandum from the Registrar to the President, dated 26 November 2020 (confidential), *conveying* a *Note Verbale* from the Embassy of the United Kingdom to the Netherlands, dated 23 November 2020.

<sup>&</sup>lt;sup>3</sup> MICT/2/Rev. 1, 24 April 2014.

<sup>&</sup>lt;sup>6</sup> See Security Council Resolution 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[.]"). According to Article 25(2) of the Statute, "[t]he Mechanism shall have the power to supervise the enforcement of sentences pronounced by the ICTY, the ICTR or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States".

**HAVING CONSIDERED** all of the factors enumerated in the Practice Direction, including the views expressed by Karadžić, as well as the recommendation of the Registrar;

**PURSUANT TO** Article 25 of the Statute, Rule 127 of the Rules, and paragraphs 5 through 7 of the Practice Direction;

**HEREBY DECIDE** that Karadžić shall serve his sentence in the United Kingdom;

**INSTRUCT** the Registrar to officially request the Government of the United Kingdom to enforce the sentence of Karadžić and, should the Government of the United Kingdom accede to this request, inform Karadžić thereof and take all necessary measures to facilitate Karadžić's transfer to the United Kingdom as expeditiously as possible; and

**ORDER**, pursuant to Rule 127(C) of the Rules, that Karadžić shall remain in the custody of the Mechanism while awaiting his transfer to the United Kingdom.

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

Done this 12th day of May 2021, At The Hague, The Netherlands.

Judge Carmel Agius President

when

[Seal of the Mechanism]



# NATIONS UNIES Mécanisme international appelé à exercer les fonctions résiduelles des Tribunaux pénaux

IRMCT • MIFRTP

TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DEPOT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES				
To/À:	IRMCT Registry/ Greffe du MIFRTP		Arusha/ Arusha	The Hague/ La Haye
From/ De:	President / Président	Chambers / Chambre	Prosecution/ Bureau du Procureur	☐ Defence / Défense
	Registrar / Greffier	Other/ Autre		
Case Name/ Affaire:	Prosecutor v. Radova	n Karadžić	Case Number/ M. Affaire n°:	ICT-13-55-ES
Date Created/ Daté du :	12 May 2021	Date transmitted/ Transmis le :	12 May 2021	No. of Pages/ 3 Nombre de pages :
Original Langu Langue de l'ori		☐ French/ Français	☐ Kinyarwanda ☐ B/C/S	Other/Autre (specify/préciser):
Title of Order Designating the State in which Radovan Karadžić is to Serve his Sentence Document/ <i>Titre du document</i> :				
Classification Level/	☐ Unclassified Non classifié		Parte Defence excluded Parte Prosecution exclu	/ Défense exclue ded/ Bureau du Procureur exclu
Catégories de classification :	☐ Confidentia  Confidentiel			excluded/ Art. 86 H) requérant exclu
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Decision/		from parties/	Recueil de sources	Mandat
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☑ Order/  Ordonnance		from non-parties/ ées par des tiers	☐ Indictment/ Acte	
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