

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

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 Tambaou

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;¹

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;²

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”),³ 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;⁴ (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;⁵

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;⁶

¹ *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Judgement, 20 March 2019 (public redacted), para. 777.

² 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.

³ MICT/2/Rev. 1, 24 April 2014.

⁴ 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.

⁵ Internal Memorandum from the Registrar to the President, dated 11 May 2021 (confidential).

⁶ 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

[Seal of the Mechanism]



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