

IT-95-13/1-ES. 2

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26 January 2012

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-95-13/1-ES  
Date: 26 January 2012  
Original: English

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Theodor Meron, President

**Registrar:** Mr. John Hocking

**Order of:** 26 January 2012

**PROSECUTOR**

v.

**MILE MRKŠIĆ**

**CONFIDENTIAL**

**ORDER DESIGNATING STATE IN WHICH  
MILE MRKŠIĆ IS TO SERVE HIS SENTENCE**

**The Office of the Prosecutor**

Ms. Helen Brady

**Counsel for Mr. Mile Mrkšić**

Mr. Miroslav Vasić  
Mr. Vladimir Domazet

**I, THEODOR MERON**, 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 5 May 2009 in the case of *Prosecutor v. Mile Mrkšić and Veselin Šljivančanin*, Case No. IT-95-13/1-A, which affirmed Mile Mrkšić’s sentence of 20 years of imprisonment, subject to credit being given under Rule 101(C) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) for the period already spent in detention;

**CONSIDERING** the confidential memorandum of 26 January 2012 submitted to me by the Registrar of the International Tribunal in accordance with paragraph 4 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 (IT/137/Rev. 1), 1 September 2009 (“Practice Direction”);

**CONSIDERING** the Agreement between the United Nations and the Portuguese Republic on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, entered into force on 19 December 2007, which concerns the enforcement of sentences imposed by the International Tribunal;

**CONSIDERING** that the Government of the Portuguese Republic has indicated to the Registry of the International Tribunal (“Registry”) its willingness to enforce the sentence imposed upon Mile Mrkšić;

**HAVING CONSIDERED** all of the factors enumerated in the Practice Direction, including the family situation of Mr. Mile Mrkšić;

**PURSUANT** to Article 27 of the Statute of the International Tribunal, Rule 103 of the Rules, and paragraphs 5 through 7 of the Practice Direction;

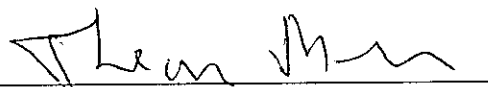
**HEREBY DECIDE** that Mile Mrkšić shall serve his sentence in the Portuguese Republic;

**INVITE** the Registry to officially request the authorities of the Portuguese Republic to enforce the sentence of Mile Mrkšić and, should the Portuguese Republic accede to this request, so inform and take all necessary measures to facilitate Mile Mrkšić’s transfer to the Portuguese Republic;

**ORDER**, pursuant to Rule 103(C) of the Rules, that Mile Mrkšić shall remain in the International Tribunal’s custody while awaiting his transfer to the Portuguese Republic; and

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

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



Judge Theodor Meron  
President

Dated this 26th day of January 2012,  
At The Hague,  
The Netherlands.

[Seal of the International Tribunal]