

**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-05-88-ES.1  
Date: 21 April 2011  
Original: English

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before: Judge Patrick Robinson, President**

**Registrar: Mr. John Hocking**

**Order: 21 April 2011**

**PROSECUTOR**

**v.**

**LJUBOMIR BOROVIČANIN**

**CONFIDENTIAL**

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**ORDER DESIGNATING STATE IN WHICH LJUBOMIR BOROVIČANIN IS  
TO SERVE HIS SENTENCE**

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**Office of the Prosecutor**

Mr. Peter McCloskey

**Counsel for Ljubomir Borovčanin**

Mr. Christopher Gosnell

Ms. Tatjana Čmerić

**I, Patrick Robinson**, 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 Trial Chamber on 10 June 2010 in the case of *Prosecutor v. Popović et al.*, Case No. IT-05-88, in which Ljubomir Borovčanin was sentenced to 17 years of imprisonment, subject to credit being given under Rules 101(C) and 107 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) for the period already spent in detention;

**CONSIDERING** the confidential memorandum of 28 March 2011 submitted to me by the Registrar of the International Tribunal within the terms of 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 Kingdom of Denmark on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, which entered into force on 4 June 2002, concerning the enforcement of sentences imposed by the International Tribunal;

**CONSIDERING** that the Government of the Kingdom of Denmark has indicated to the Registry of the International Tribunal its willingness to enforce the sentence imposed upon Ljubomir Borovčanin;

**HAVING CONSIDERED** all of the factors enumerated in the Practice Direction, including the family situation of Ljubomir Borovčanin;

**PURSUANT** to Article 27 of the Statute of the International Tribunal, Rule 103(A) of the Rules, and paragraph 4 of the Practice Direction;

**HEREBY DECIDE** that Ljubomir Borovčanin shall serve his sentence in the Kingdom of Denmark;

**INVITE** the Registry of the International Tribunal to officially request the authorities of the Kingdom of Denmark to enforce the sentence of Ljubomir Borovčanin and, should the Kingdom of Denmark accede to this request, so inform and take all necessary measures to facilitate Ljubomir Borovčanin’s transfer to the Kingdom of Denmark;

**ORDER**, pursuant to Rule 103(C) of the Rules, that Ljubomir Borovčanin shall remain in the International Tribunal's custody while awaiting his transfer to the Kingdom of Denmark;

**INSTRUCT** the Registry of the International Tribunal to lift the confidential status of the present Order once Ljubomir Borovčanin's transfer to the Kingdom of Denmark 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.



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Judge Patrick Robinson  
President

Dated this twenty-first day of April 2011  
At The Hague  
The Netherlands

**[Seal of the International Tribunal]**