

**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-02-60/1-ES

Date: 14 December 2007

Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President

Registrar: Mr. Hans Holthuis

Order of: 14 December 2007

THE PROSECUTOR

v.

MOMIR NIKOLIĆ

- PUBLIC REDACTED VERSION -

**ORDER DESIGNATING THE STATE IN WHICH MOMIR NIKOLIĆ
IS TO SERVE HIS PRISON SENTENCE**

Office of the Prosecutor:

Ms. Carla Del Ponte

Counsel for the Accused:

Mr. Rock Tansey
Mr. R.J. Livingston

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I, FAUSTO POCAR, 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 on Sentencing Appeal” rendered by the Appeals on 8 March 2006 in Case No. IT-02-60/1-A, *Prosecutor v. Momir Nikolić*, in which Momir Nikolić, born 20 February 1955, was sentenced to twenty (20) years’ imprisonment subject to credit for time already served in detention;

PURSUANT to Article 27 of the Statute of the International Tribunal, Rule 103(A) of the Rules of Procedure and Evidence (“Rules”) and paragraphs four (4) to six (6) 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 (“Practice Direction”);¹

CONSIDERING the confidential internal memorandum of 19 March 2007, submitted to me by the Registrar of the International Tribunal within the terms of paragraph three (3) of the Practice Direction and listing the States in which Momir Nikolić may serve his sentence;

CONSIDERING the Enforcement Agreement between the United Nations and Finland, which was signed on 7 May 1997 and entered into force on 6 June 1997, concerning the enforcement of sentences ordered by the International Tribunal;²

CONSIDERING that the government of Finland has indicated to the Registrar its willingness to enforce Momir Nikolić’s sentence and that the necessary formalities have been completed to enable it to enforce Momir Nikolić’s sentence;

HAVING CONSIDERED all of the factors enumerated in the Practice Direction REDACTED;

FOR THE FOREGOING REASONS,

DECIDE that Momir Nikolić shall serve his sentence in Finland;

¹ IT/137, 9 July 1998.

² Agreement Between the International Criminal Tribunal for the former Yugoslavia and the Government of Finland on the Enforcement of Sentences of the International Tribunal, signed on 7 May 1997 and entered into force on 6 June 1997.

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INVITE the Registrar officially to request the authorities of Finland to enforce the sentence of Momir Nikolić and, should the government of Finland accede to the request, so inform me and take all necessary measures to facilitate Momir Nikolić's transfer to Finland;

ORDER pursuant to Rule 103(C), that Momir Nikolić remain in the International Tribunal's custody while awaiting transfer to Finland.

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

Done this 14th day of December 2007,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]