

**UNITED  
NATIONS**

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International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-14-67-ES.4

Date: 9 October 2021

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before: Judge Carmel Agius, President**

**Registrar: Mr. Abubacarr Tambadou**

**Date: 9 October 2021**

**PROSECUTOR**

**v.**

**SRETEN LUKIĆ**

***PUBLIC  
WITH PUBLIC ANNEX***

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**REGISTRAR'S SUBMISSION IN RELATION TO THE DECISION ON  
THE APPLICATION FOR EARLY RELEASE OF SRETEN LUKIĆ**

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**The Office of the Prosecutor:**

Mr. Serge Brammertz

**Counsel for Mr. Sreten Lukić:**

Mr. Dragan Ivetić  
Mr. Boris Zorko

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals (“Rules” and “Mechanism”), I respectfully file this submission in relation to the President’s “Decision on the application for early release of Sreten Lukić” of 7 October 2021 (“Decision”).<sup>1</sup>
2. In the Decision, the President directed the Registrar to: (i) provide the authorities of the Netherlands and Serbia with the confidential redacted version of the Decision as soon as practicable; (ii) in the event that Sreten Lukić agrees with, signs, and submits to the Registry the original signed Conditional Early Release Agreement annexed to the Decision in both the authoritative English version and the official Bosnian/Croatian/Serbian translation (“Agreement”), take all necessary measures to facilitate Lukić’s transfer as expeditiously as possible to Serbia; and (iii) should Lukić be transferred to Serbia, and following receipt of information from the Serbian authorities that Lukić has arrived at his place of residence in Serbia, recirculate as a public filing the confidential redacted version of the Decision and file the signed Agreement as a public document.
3. On 8 October 2021, the Registry transmitted the confidential redacted version of the Decision to the authorities of the Netherlands and Serbia. On 8 October 2021 Sreten Lukić agreed with, signed, and submitted to the Registry the signed Agreement. He was transferred to Serbia the same day. On 9 October 2021 the Serbian authorities informed the Registry that Lukić arrived at his place of residence in Serbia.<sup>2</sup> On 9 October 2021 the Registry recirculated as a public filing the confidential redacted version of the Decision. The signed Agreement is attached as a public Annex to this submission.

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<sup>1</sup> *Prosecutor v. Sreten Lukić*, Case No. MICT-14-67-ES.4, Decision on the Application for Early Release of Sreten Lukić, public redacted, 7 October 2021.

4. I remain available should the President require any further information

Respectfully submitted,



Abubacarr Tambadou  
Registrar

Done this 9<sup>th</sup> day of October 2021  
At The Hague,  
The Netherlands.

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<sup>2</sup> E-mail from First Counsellor of the Embassy of Serbia to The Netherlands to Registry Legal Officers, 9 October 2021.

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**ANNEX**

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ANNEX

**CONDITIONAL EARLY RELEASE AGREEMENT**

Name: Sreten Lukic Date of Birth: 28.03.1955.J.

I, the undersigned, declare that:

1. I have received the authoritative English version of this document, as well as the official translation into Bosnian/Croatian/Serbian (“BCS”), and have been advised by my Counsel with regard to its contents, including the individual conditions set forth herein.
2. I have read, understand, and agree to comply fully with all conditions of my early release, as set forth below.
3. I agree to comply fully with all of the following conditions:
  - A. I shall remain under the supervision of a Monitoring Authority designated by the Republic of Serbia (“Monitoring Authority” and “Serbia”, respectively) during the remainder of my sentence until its completion on 7 January 2026;
  - B. I shall comply with any requirement made of me by the Monitoring Authority, including contacting an agent of the Monitoring Authority as requested;
  - C. If required by the Monitoring Authority or if so directed by the President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively), I shall report in person to the Monitoring Authority, a local police station, or any other location designated by the Monitoring Authority or the President for this purpose;
  - D. I shall notify the Mechanism and the Monitoring Authority of my address of residence in Serbia, as well as give 14 days’ notice of any proposed change of residence;
  - E. I shall have no contact whatsoever with, or directly or indirectly try to harm, intimidate, or otherwise interfere with, victims or witnesses who testified in my case or other cases before the International Criminal Tribunal for the former Yugoslavia (“ICTY”) or the Mechanism and/or members of their respective families, with the sole exception being contact with witnesses who testified in my own defence;
  - F. I shall not interfere in any way with the proceedings of the Mechanism or the administration of justice;
  - G. I shall not violate any orders issued by the ICTY or the Mechanism, and shall not otherwise reveal the identities of witnesses or potential witnesses in any way;
  - H. I shall not discuss my case, including any aspect of the events in the former Yugoslavia that were the subject of my case, with the media, through social media, or with anyone other than my legal counsel recognised by the Mechanism, if any, unless this has been specifically authorised in advance by the President;



- I. I shall not make any statement denying the crimes over which the ICTY had jurisdiction, and over which the Mechanism retains jurisdiction, that were committed during the conflict in the former Yugoslavia;
- J. I shall under no circumstances directly or indirectly express publicly any agreement with, or otherwise contribute in any way to, the glorification of persons convicted by the ICTY or the Mechanism;
- K. If I intend to travel outside Serbia, I will notify the Monitoring Authority beforehand so that it may seek a direction from the President, who will ultimately have the discretion to approve or not approve such travel;
- L. I shall under no circumstances visit Kosovo;<sup>1</sup>
- M. I shall conduct myself honourably and peacefully in the community in which I will reside, and shall not engage in meetings or associations intended to plan civil unrest or actively engage in any political activities except for voting;
- N. I shall deposit any firearms and other weapons requiring a licence with the Serbian authorities as designated by the Monitoring Authority, and shall not purchase, possess, use, or handle any firearms or other weapons requiring a licence;
- O. I shall not commit any offence that is punishable by any term of imprisonment, nor shall I publicly or privately incite or promote such an offence;
- P. I shall notify the Monitoring Authority of any arrest, summons, or questioning by a law enforcement officer; and
- Q. I shall continue to make efforts to contribute to my rehabilitation and resocialisation.
4. I understand and agree that I shall be subject to the conditions stated herein, unless they are revoked or modified, until the completion of my sentence on 7 January 2026.
5. I understand and agree that any change in the foregoing conditions can only be authorised by the President.
6. I understand and agree that if I violate or otherwise fail to comply fully with any of the conditions set out in this agreement, then my early release may be revoked at the sole discretion of the President.
7. I understand and accept that as a condition of my early release, Serbia is obligated to: (a) register my final conviction by the ICTY in my criminal record in Serbia; (b) revoke any licenses for firearms or other weapons that I may possess and ensure that no new licenses are issued

<sup>1</sup> This reference to “Kosovo” is to be understood in line with Security Council resolution 1244 (1999).



to me until the expiration of my sentence; and (c) transfer me immediately to the custody of the Mechanism following a request by the Mechanism to do so.

8. In addition, I understand and accept that as a condition of my early release, Serbia is obligated to designate as the Monitoring Authority an agent or entity to: (a) monitor and enforce the above-mentioned conditions; (b) report to the Mechanism, within 24 hours, any failure by me to comply with these conditions; (c) arrest me immediately upon request of the Mechanism; (d) arrest me immediately if I pose a threat to victims or witnesses, commit any crime under Serbian law that is punishable by any term of imprisonment, or seek to leave the territory of Serbia without the necessary permission in accordance with these conditions, or if Serbia or the Monitoring Authority otherwise consider it necessary to ensure compliance with each of the conditions set out herein; and (e) submit quarterly reports to the Mechanism on the implementation of these conditions.

9. I understand that once I have signed the authoritative English version of this document, as well as the official BCS translation, the original signed document (in both languages) is to be provided to the Registry of the Mechanism, which will subsequently file it publicly on the judicial record in *Prosecutor v. Sreten Lukić*, Case No. MICT-14-67-ES.4, and that until I have been transferred to my place of residence in Serbia, this matter must remain confidential for reasons of security.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Witnessed by (for Sreten Lukić):

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Witnessed by (for the Mechanism):

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_





## SPORAZUM O USLOVNOM PREVREMENOM PUŠTANJU NA SLOBODU

Ime i prezime: SROTEN Lukic

Datum rođenja: 28.03.1950

Ja, dole potpisani, izjavljujem sledeće:

1. Primio sam merodavnu englesku verziju ovog dokumenta, kao i zvaničan prevod na bosanski/hrvatski/srpski (dalje u tekstu: b/h/s), i objašnjenje svog pravnog zastupnika u vezi sa sadržajem tog dokumenta, uključujući sve uslove koji su u njemu navedeni.
2. Pročitao sam, razumem, i pristajem da u potpunosti ispunim sve uslove prevremenog puštanja na slobodu, navedene niže u tekstu.
3. Pristajem da u potpunosti ispunim sve niže navedene uslove:
  - A. Ostaću pod nadzorom Nadzorne vlasti koju odredi Republika Srbija (dalje u tekstu: Nadzorna vlast, odnosno Srbija) tokom preostalog dela kazne sve do njenog isteka 7. januara 2026. godine;
  - B. Postupaću u skladu sa svim uslovima koje mi odredi Nadzorna vlast, uključujući i održavanje kontakta s predstavnikom Nadzorne vlasti na njihov zahtev;
  - C. Ako to zatraži Nadzorna vlast ili naloži predsednik Međunarodnog rezidualnog mehanizma za krivične sudove (dalje u tekstu: predsednik, odnosno Mehanizam), lično ću se javljati Nadzornoj vlasti, lokalnoj policijskoj stanici ili bilo kojoj drugoj lokaciji koju u tu svrhu odredi Nadzorna vlast ili predsednik;
  - D. Mehanizmu i Nadzornoj vlasti ću dostaviti adresu na kojoj boravim u Srbiji, a o eventualnom predlogu o promeni adrese ću ih obavestiti 14 dana unapred;
  - E. Neću stupati ni u kakav kontakt sa žrtvama ili svedocima koji su svedočili u mom predmetu ili u drugim predmetima pred Međunarodnim krivičnim sudom za bivšu Jugoslaviju (dalje u tekstu: MKSJ) ili Mehanizmom, ni sa članovima njihovih porodica, niti ću direktno ili indirektno pokušati da ih povredim, zastrašim ili na drugi način uznemiravam, izuzev kontakta isključivo sa svedocima koji su svedočili u moju odbranu;
  - F. Ni na koji način neću ometati postupke Mehanizma ni sprovođenje pravde;
  - G. Neću prekršiti nijedan nalog MKSJ ili Mehanizma i ni na koji način neću otkriti identitet svedoka ili potencijalnih svedoka;
  - H. O mom predmetu, uključujući bilo koji aspekt događaja u bivšoj Jugoslaviji koji su bili predmet mog suđenja, neću razgovarati putem društvenih mreža, s medijima, niti s bilo kim izuzev s mojim eventualnim pravnim zastupnikom kog je priznao Mehanizam, osim u slučaju da za to unapred dobijem konkretno odobrenje od predsednika;



- I. Neću davati nikakve izjave kojima se negiraju zločini nad kojima je MKSJ imao nadležnost i nad kojima Mehanizam zadržava nadležnost, a koji su počinjeni tokom sukoba u bivšoj Jugoslaviji;
- J. Ni pod kojim okolnostima neću, direktno ili indirektno, javno izraziti slaganje sa veličanjem lica koja je osudio MKSJ ili Mehanizam, niti ću na bilo koji način doprineti veličanju tih lica;
- K. O eventualnoj nameri da putujem van Srbije unapred ću obavestiti Nadzornu vlast kako bi ona zatražila uputstva od predsednika, koji u krajnjoj instanci ima diskreciono ovlašćenje da putovanje odobri ili ne;
- L. Ni pod kojim uslovima neću putovati na Kosovo;<sup>2</sup>
- M. U zajednici u kojoj budem boravio ponašaću se časno i miroljubivo i neću učestvovati u sastancima ili udruženjima čiji je cilj planiranje građanskih nereda niti aktivno učestvovati u bilo kakvim političkim aktivnostima, sem glasanja;
- N. Sve vatreno i drugo oružje za koje je potrebna dozvola pohraniću kod organa vlasti Srbije koje odredi Nadzorna vlast i neću kupovati, posedovati, upotrebljavati niti rukovati bilo kakvim vatrenim ili drugim oružjem za koje je potrebna dozvola;
- O. Neću počinuti nijedno krivično delo koje je kažnjivo kaznom zatvora, niti ću javno ili privatno podsticati ili zagovarati takvo krivično delo;
- P. Nadzornu vlast ću obavestiti o eventualnim hapšenjima, pozivima ili ispitivanjima od strane službenika organa gonjenja; i
- Q. Istrajaću u naporima da doprinesem svojoj rehabilitaciji i resocijalizaciji.
4. Shvatam i saglasan sam s tim da se ovde navedeni uslovi odnose na mene, sem ako ne budu poništeni ili izmenjeni, sve do isteka moje kazne 7. januara 2026. godine.
5. Shvatam i saglasan sam s tim da svaku izmenu gore navedenih uslova može da odobri isključivo predsednik.
6. Shvatam i saglasan sam s tim da, ukoliko prekršim ili u potpunosti ne ispunim bilo koji od uslova navedenih u ovom sporazumu, predsednik može, isključivo na osnovu svog diskrecionog ovlašćenja, da poništi moje prevremeno puštanje na slobodu.
7. Shvatam i prihvatam kao uslov za moje prevremeno puštanje na slobodu da je Srbija dužna: (a) da u krivičnu evidenciju u Srbiji unese pravosnažnu presudu koju mi je izrekao MKSJ; (b) da ukine sve dozvole za vatreno ili drugo oružje koje eventualno imam i obezbedi da mi se do

<sup>2</sup> Ovde se reč "Kosovo" koristi u skladu s rezolucijom 1244 Saveta bezbednosti (1999).



isteka kazne ne izdaju nove dozvole; i (c) da me, na zahtev Mehanizma, bez odlaganja dovede pod njegov nadzor.

8. Pored toga, shvatam i prihvatam kao uslov mog prevremenog puštanja na slobodu da je Srbija dužna da kao Nadzornu vlast odredi zastupnika ili pravno lice da: (a) nadzire i sprovodi gore navedene uslove; (b) u roku od 24 časa izvesti Mehanizam o svakom mom nepridržavanju tih uslova; (c) odmah me uhapsi na zahtev Mehanizma; (d) odmah me uhapsi ako budem predstavljao opasnost po žrtve ili svedoke, izvršim bilo koje krivično delo koje je, prema zakonu Srbije, kažnjivo kaznom zatvora, ili pokušam da napustim teritoriju Srbije bez potrebne dozvole u skladu s ovim uslovima, ili ako Srbija ili Nadzorna vlast inače budu smatrale da je potrebno da se obezbedi pridržavanje svih ovde navedenih uslova; i (e) podnosi tromesečne izveštaje Mehanizmu o sprovođenju ovih uslova.

9. Shvatam da će, čim potpišem merodavnu englesku verziju ovog dokumenta, kao i zvaničan prevod na b/h/s, originalni potpisani dokument (na oba jezika) biti prosleđen Sekretarijatu Mehanizma, koji će ga zatim zavesti kao javni dokument u spis predmeta *Tužilac protiv Sretena Lukića*, predmet br. MICT-14-67-ES.4, i da iz bezbednosnih razloga ova stvar mora ostati poverljiva sve dok ne budem prebačen u mesto boravka u Srbiji.

Potpis: \_\_\_\_\_

Ime i prezime: \_\_\_\_\_

Datum: \_\_\_\_\_

Svedok (za Sretena Lukića):

Potpis: \_\_\_\_\_

Ime i prezime: \_\_\_\_\_

Datum: \_\_\_\_\_

Svedok (za Mehanizam):

Potpis: \_\_\_\_\_

Ime i prezime: \_\_\_\_\_

Datum: \_\_\_\_\_



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