

**UNITED NATIONS**  
**MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

Case No. MICT-13-52-ES.1

**Before: Judge Theodor Meron, President**

**Registrar: Mr. John Hocking**

**Date Filed: 9 March 2015**

**PROSECUTOR**

v.

**MILAN LUKIĆ**

**PUBLIC WITH PUBLIC ANNEX A**

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**REQUEST FOR EVIDENTIARY HEARING TO REVIEW CONFINEMENT  
PLACEMENT OF MR. LUKIC IN ESTONIA AND TRANSFER TO THE HAGUE FOR  
VIVA VOCE APPEARANCE**

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**The Office of the Prosecutor**

**Mr. Hassan Bubear Jallow**

**Mr. Mathias Marcussen**

**Counsel for Milan Lukić**

**Mr. Jason Alarid**

**Mr. Dragan Ivetić**

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**COMES NOW** The Movant, Mr. Milan Lukić, by and through his Counsel<sup>1</sup>, and respectfully requests the Court to hold a full evidentiary hearing on the matter of review and reconsideration of his placement to serve his sentence in Estonia and for transfer to the Hague of Mr. Milan Lukić to allow for viva voc testimony and to properly participate in any due process afforded him; and in support state:

1. Relevant and contemporaneous with this request for evidentiary hearing, Mr. Lukić files his Motion for Reconsideration and Review of Sentence to Estonia and Transfer to the Hague, alleging and making a prima facie proffer of human rights concerns, if not violations, under the current sentence placing him in Tartu Vangla Prison, Tartu, Estonia. (hereinafter "Motion")

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<sup>1</sup> Attached hereto as Annex A is a signed power of attorney.

2. The raising of a reasonable, valid, prima facie showing of potential human rights concerns in contravention of European Conventions on Human Rights and established United Nations human rights principles regarding persons imprisoned requires full due process and proper inquiry and investigation, which includes participation by the accused.
3. In support of his Motion is the psychological evaluation of Dr. George Hough PhD. Dr. Hough will be tendered as a witness and present his expert testimony and evidence at any future hearing before the MICT as contemplated by the motion and this request for evidentiary hearing on the matter. Transfer of Mr. Lukić would allow for additional interview and examination by Dr. Hough in the Hague before the hearing, and allow for independent medical examination if requested by the Court or OTP.
4. At a future evidentiary hearing, the defence intends to call person(s) from the International Red Cross regarding IRC visits and observations of conditions at Tartu Vangla Prison as they relate to ICTY/MICT detainees.
5. In support of his Motion, attached is the sworn statement of Mrs. Lukić and it is contemplated that the defence will call Mrs. Lukić and elicit further testimony as to conditions and circumstances regarding maintaining a family relationship between Tartu Estonia and Germany as well as other testimony germane to evidence of human rights concerns regarding incarceration in Estonia.
6. At an evidentiary hearing on the matter, Mr. Lukić reserves the right to call further family witnesses from Serbia, including but not limited to other children of Mr. Lukic who have never been able to visit, on the issue of isolation and inability to maintain family relationships.

7. At an evidentiary hearing on the matter Mr. Lukić wishes to appear and participate in any due process afforded, assist in his own defence/cause and offer viva voc testimony in support.
8. Transport of persons already convicted before the ICTY back the Hague to appear or testify in one matter or another has been routine, and would not be unduly burdensome, and would in interim alleviate acute human rights concerns outlined in his motion.
9. To allow for a full hearing on the matter would add to the integrity of the Court and process giving due consideration and circumspection to the pleas of a prisoner of The Hague, given the overriding principles of respect of human rights and dignity of an accused by the ICTY/MICT.
10. The Office of the Prosecutor has been contacted and **takes no position** for this request for evidentiary hearing and transport from Tartu Estonia for appearance in the Hague by Mr. Lukić.

**WHEREFORE** Mr. Lukić respectfully requests the Court to hold an evidentiary hearing at a time in the future mutually convenient to the parties and to allow for appearances of witnesses and the transport to the Hague of Mr. Milan Lukić to participate in the due process and offer viva voc testimony, and for such further relief the Court deems just and proper.

**WORD COUNT - 631**

Respectfully submitted,



Jason Alarid, *Counsel for Milan Lukić*



Dragan Ivetić, *Counsel for Milan Lukić*

Dated This 9<sup>th</sup> Day of March 2015  
The Hague, The Netherlands

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**ANNEX A**

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## Power of Attorney

I, MILAN LUKIC, born on 6 September 1967 in Foca, then the Socialist Federal Republic of Yugoslavia, now Republic of Bosnia-Herzegovina, presently incarcerated in Tartu Vangla in Estonia, hereby give notice that I have retained the following attorneys to represent my interests before the MICT (United Nations Mechanism for International Tribunals) relative to my request for post conviction relief, specifically my request for be transferred to serve my sentence at another prison.

- a) **Mr. Jason Alarid<sup>1</sup>** [email: [jasonalarid@jasonalarid.com](mailto:jasonalarid@jasonalarid.com)]  
1412 6th St, NW  
Albuquerque, NM 87102-1342  
USA  
+1 (505) 247-9500 [tel.] +1(505) 247- 9509 [fax]
- b) **Mr. Dragan Ivetic<sup>2</sup>** [email: [divetic@gmail.com](mailto:divetic@gmail.com)]  
732 Swain Ave.  
Elmhurst, IL 60126  
USA  
+1 (630) 847-0165 [tel.] +1 (732) 753-6196 [fax]

I hereby authorize them to act in whatever capacity is required, including by making formal submissions and oral arguments on my behalf. This power of attorney shall remain valid and continue to be in full force and effect until it is revoked or modified in writing by me.

Lukic Milan

Milan Lukic

04.02.2015

Date

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<sup>1</sup> an attorney licensed in New Mexico, USA, and before the ICTY

<sup>2</sup> an attorney licensed in Illinois, USA, and before the ICTY