



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-01-42/2-I
Date: 16 August 2006
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Joaquín Martín Canivell

Registrar: Mr. Hans Holthuis

Order of: 16 August 2006

PROSECUTOR

v.

VLADIMIR KOVAČEVIĆ

ORDER TO A STATE

The Office of the Prosecutor:

Ms. Susan Somers
Mr. Philip Weiner
Mr. David Re

The Government of the Republic of Serbia:

per: The Embassy of the Republic of Serbia
to The Netherlands, The Hague

Counsel for the Accused:

Ms. Tanja Radosavljević

TRIAL CHAMBER I 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 (“Trial Chamber” and “Tribunal”);

RECALLING that Vladimir Kovačević (“Accused”) has been granted provisional release by this Trial Chamber for medical reasons to Serbia and Montenegro since 2 June 2004; by the same Decision, the Government of Serbia and Montenegro was required “to file to the Chamber a report every second month on the medical condition of the Accused, to be made by the medical staff treating the Accused in the mental health facility”;¹

NOTING that the last such report submitted to the Tribunal was filed on 5 April 2006,² and that the submissions by the Government of Serbia and Montenegro dated 17 May 2006³ address the condition of the Accused only in general terms, but do not contain a medical report by the staff treating the Accused, as required;

RECALLING the Trial Chamber’s decision suspending its earlier oral consent to transfer the Accused from the Military Medical Academy, where he is currently treated, to the Dr. Laza Lazarević Institute in Belgrade, upon allegations that the Accused’s safety could not be adequately guaranteed at the Laza Lazarević Institute; by the same Decision, the authorities of Serbia and Montenegro were invited to respond to these allegations;⁴

NOTING that no such response was received;

CONSIDERING that in this case, the Republic of Serbia has taken over the obligations formerly incurred by the state union known as Serbia and Montenegro;

¹ Decision on Provisional Release, 2 June 2004, p. 3.

² Notification of Additional Medical Report Requiring Urgent Action by the Trial Chamber, 5 April 2006, with confidential Annex.

³ Serbia and Montenegro’s Submission Relating to the Decision on the Accused’s Fitness to Enter a Plea and Stand Trial, 17 May 2006.

⁴ Order Suspending Oral Decision to Transfer the Accused, 31 May 2006 (confidential).

PURSUANT to Rule 54 of the Tribunal's Rules of Procedure and Evidence

ENJOINS the Government of the Republic of Serbia to forthwith comply with its reporting obligations under the terms of provisional release of the Accused; and

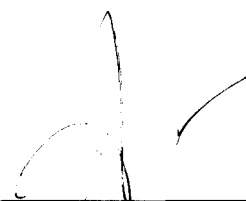
INVITES once again the Government of the Republic of Serbia to respond to the allegations in respect of the Accused's treatment at the Laza Lazarević Institute.

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

Done on this sixteenth day of August 2006

At The Hague,

The Netherlands



Judge Alphons Orie
Presiding

[Seal of the Tribunal]