



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-95-13/1-A
Date: 9 April 2009
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Andrézia Vaz

Acting Registrar: Mr. John Hocking

Order of: 9 April 2009

PROSECUTOR
v.
MILE MRKŠIĆ
VESELIN ŠLJIVANČANIN

PUBLIC

**ORDER TERMINATING THE PROVISIONAL RELEASE OF
VESELIN ŠLJIVANČANIN**

The Office of the Prosecutor:

Mr. Paul Rogers

Counsel for Mile Mrkšić:

Mr. Miroslav Vasić and Mr. Vladimir Domazet

Counsel for Veselin Šljivančanin:

Mr. Novak Lukić and Mr. Stéphane Bourgon

Republic of Serbia

Kingdom of the Netherlands

THE APPEALS CHAMBER 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 (“Appeals Chamber” and “International Tribunal”, respectively);

RECALLING the “Decision on the Motion of Veselin Šljivančanin for Provisional Release” rendered on 11 December 2007, which ordered that Veselin Šljivančanin be provisionally released pending the hearing of his appeal (“Provisional Release Decision”);

RECALLING that the Provisional Release Decision required Mr. Šljivančanin to “comply with any order of the Appeals Chamber varying the terms of, or terminating, his provisional release” and to “return to the International Tribunal at such time and on such date as the Appeals Chamber may order”;¹

NOTING the “Scheduling Order for Delivery of Judgement” issued on 9 April 2009, which ordered that the delivery of the Appeal Judgement in this case shall take place on 5 May 2009;

NOTING that the Provisional Release Decision ordered that, on his return flight, “Mr. Šljivančanin shall be accompanied by a designated official of the Republic of Serbia (or by such other designated officials as the Appeals Chamber may order or accept) who shall deliver Mr. Šljivančanin into the custody of the Dutch authorities at Schiphol airport at a date and time to be determined by the Appeals Chamber”;²

NOTING that the Provisional Release Decision required the Government of the Republic of Serbia to assume responsibility for all “expenses in connection with the transport of Mr. Šljivančanin from Schiphol airport to his place of residence and back”;³

PURSUANT to Rule 65 of the Rules of Procedure and Evidence;

HEREBY TERMINATES, the provisional release of Mr. Šljivančanin and **ORDERS**:

1. Mr. Šljivančanin to return to the United Nations Detention Unit in The Hague in time for the delivery of the Appeal Judgement on 5 May 2009;

¹ Provisional Release Decision, p. 4.

² Provisional Release Decision, p. 3.

³ Provisional Release Decision, p. 4.

2. The Government of the Republic of Serbia to designate an official who shall accompany Mr. Šljivančanin from his residence and shall deliver Mr. Šljivančanin into the custody of the Dutch authorities at Schiphol airport;
3. The Government of the Republic of Serbia to ensure the personal security and safety of Mr. Šljivančanin until he is delivered into the custody of the Dutch authorities at Schiphol airport;
4. The Government of the Kingdom of the Netherlands to ensure that Mr. Šljivančanin is transported, under guard, from Schiphol airport to the United Nations Detention Unit;

INSTRUCTS:

1. The Registrar of the International Tribunal to consult with all the relevant authorities as to the practical arrangements which are necessary for Mr. Šljivančanin's return to the United Nations Detention Unit in adequate time to ensure his attendance at the hearing to be held on 5 May 2009 for the delivery of the Appeal Judgement in the present case;

REQUESTS the authorities of all States through whose territory Mr. Šljivančanin may travel:

1. To hold Mr. Šljivančanin in custody for any time that he will spend in transit; and
2. To arrest and detain Mr. Šljivančanin pending his return to the United Nations Detention Unit in The Hague, should he attempt to escape.

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

Dated this 9th day of April 2009
At The Hague
The Netherlands



Judge Theodor Meron
Presiding

[Seal of the International Tribunal]