



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-03-69-PT

Date: 6 February 2008

Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Krister Thelin
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Order of: 6 February 2008

PROSECUTOR

v.

**JOVICA STANIŠIĆ
AND
FRANKO SIMATOVIĆ**

PUBLIC

**SCHEDULING ORDER AND TERMINATION OF
PROVISIONAL RELEASE**

The Office of the Prosecutor

Mr. Dermot Groome
Ms. Doris Brehmeier-Metz

Counsel for the Accused

Mr. Geert-Jan Alexander Knoops and Mr. Wayne Jordash for Jovica Stanišić
Mr. Zoran Jovanović for Franko Simatović

TRIAL CHAMBER III (“Trial 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 (“Tribunal”);

NOTING the “Order Reassigning a Case to a Trial Chamber”, filed by the President of the Tribunal on 11 December 2007, assigning the case of *Prosecutor v Jovica Stanišić and Franko Simatović* (Case No. IT-03-69-PT), to Trial Chamber III;

NOTING that both Accused were provisionally released by decision of 28 July 2004 (“Provisional Release Decisions”);

CONSIDERING that in the Provisional Release Decisions, the two Accused were ordered to “comply strictly with any further order of the Trial 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 Trial Chamber may order”;

RECALLING the Trial Chamber’s duty pursuant to Article 20 of the Tribunal’s Statute to ensure a fair and expeditious trial;

NOTING that pursuant to Rule 73bis of the Rules of Procedure and Evidence, a Pre-trial Conference shall be convened by the Trial Chamber prior to the commencement of the trial;

CONSIDERING that the trial will commence shortly after the Pre-trial Conference;

NOTING the “Prosecution Motion for Review of Provisional Release together with Confidential Annex and *Ex Parte* Annexes”, filed confidentially on 14 January 2008 and the “Motion for Filing ‘Prosecution Motion for Review of Provisional Release together with Confidential Annex and *Ex Parte* Annexes’ in Public Version” filed confidentially on 18 January 2008 by the Defence for the Accused Franko Simatović, the “Prosecution Response in Opposition to Defence Motion to File Prosecution’s ‘Motion for Review of Provisional Release together with Confidential Annex and *Ex Parte* Annexes’ in Public Version” in Public Version”, filed confidentially on 22 January 2008 and the “Defence Response to “Prosecution Motion for Review of Provisional Release together with Confidential Annex and *Ex Parte* Annexes” with Public Annex A”, filed confidentially by the Defence counsel for Franko Simatović on 25 January 2008 and the “Defence Response to ‘Prosecution Motion for Review of Provisional Release together with Confidential Annex and *Ex Parte* Annexes’”, filed confidentially on 28 January 2008 by the Defence counsel for Jovica Stanišić;

CONSIDERING FURTHER that in light of the current decision, there is no need to render a decision on the the motions of the Prosecution and the Defence counsel for Franko Simatović mentioned in the paragraph above;

CONSIDERING, FINALLY, that the provisional release of the Accused should be terminated in order for them to be present at the trial;

PURSUANT TO Article 20 of the Statute and Rules 54, 65 and 73*bis* of the Rules,

HEREBY ORDERS that a Pre-trial Conference be held on Wednesday, 27 February 2008, in Courtroom III at 14.15 hours; and

TERMINATES the provisional release of the Accused, Jovica Stanišić and Franko Simatović, effective Monday, 11 February 2008, and **ORDERS** that

1. the Accused shall surrender to the custody of the Tribunal on Monday, 11 February 2008;
2. the designated officials of the Government of Serbia (“Officials”) shall make all necessary arrangements in conjunction with the Registrar of the Tribunal and the Dutch authorities for the return of the Accused to The Hague, Netherlands on Monday, 11 February 2008, and their subsequent transportation to and detention in the United Nations Detention Unit;
3. the Officials shall accompany the Accused on their return flight and shall deliver the Accused into the custody of the Dutch authorities at Schiphol airport on Monday, 11 February 2008;
4. the Government of Serbia shall inform the Registrar of the names of the officials accompanying the Accused by Friday, 8 February 2008;
5. the Dutch authorities are requested to transport the Accused to the United Nations Detention Unit on Monday, 11 February 2008; and
6. all terms and conditions of the Provisional Release Decisions shall continue in full force and effect until the Accused have surrendered to the custody of the Tribunal; the Provisional Release Decisions shall be deemed vacated upon the return of the Accused to The Netherlands and delivery of the Accused into the custody of the Dutch authorities at Schiphol airport on Monday, 11 February 2008, and

REQUESTS the Registrar of the Tribunal to make all necessary arrangements with all relevant authorities for the return of the Accused and for their continued detention in the United Nations Detention Unit.

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



Judge Patrick Robinson
Presiding

Dated this sixth day of February 2008

At The Hague

The Netherlands

[Seal of the Tribunal]