

**UNITED  
NATIONS**

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-AR65.9

Date: 29 July 2011

Original: English

**BEFORE THE DUTY JUDGE**

**Before:** Judge Árpád Prandler

**Registrar:** Mr. John Hocking

**Order of:** 29 July 2011

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
AND FRANKO SIMATOVIĆ**

*PUBLIC*

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**ORDER FOR AN EXPEDITED RESPONSE TO DEFENCE  
APPEAL OF THE DECISION DENYING FRANKO  
SIMATOVIĆ'S URGENT REQUEST  
FOR PROVISIONAL RELEASE**

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**The Office of the Prosecutor**

Mr. Dermot Groome

**Counsel for the Accused**

Mr. Wayne Jordash and Mr. Scott Martin for Jovica Stanišić  
Mr. Mihajlo Bakrač and Mr. Vladimir Petrović for Franko Simatović

**I, Árpád Prandler**, acting in my capacity as Duty Judge 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”);

**BEING SEISED OF** the “Appeal against the Decision denying Franko Simatović’s urgent request for provisional release” filed on 27 July 2011 (“Appeal”), whereby the Accused, Franko Simatović, seeks to have reversed the Decision of the Trial Chamber of 20 July 2011 (“Impugned Decision”) denying his application for provisional release;<sup>1</sup>

**NOTING** that, pursuant to Rule 28(C) of the Rules of Procedure and Evidence (“Rules”) in pertinent part, where a case is not otherwise already assigned to a Chamber, it shall be transmitted to the Duty Judge;

**NOTING** that, pursuant to Rule 28(F), the above provision applies *mutatis mutandis* to applications before the Appeals Chamber;

**NOTING** that the underlying application was filed on 7 July 2011 on an urgent basis, requesting provisional release for the Accused from 22 July 2011 to 14 August 2011<sup>2</sup> and the Trial Chamber had ordered the Prosecution to file an expedited response by 14 July 2011;<sup>3</sup>

**CONSIDERING** that the Appeal was made during the summer recess and that the matter is so urgent as to render it infructuous if not addressed by the Duty Judge;

**RECALLING** that pursuant to the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal (“Practice Direction”), a Chamber may alter the time limit of ordinarily available for responses and reply;<sup>4</sup>

**CONSIDERING** that the period of recess, for which the provisional release is requested, has already commenced, I am, therefore, sufficiently satisfied of the urgency of the Appeal so as to require expedited filing from both Parties;

**PURSUANT TO** Rule 54 of the Rules;

**ORDER** the Prosecution to file its response, if any, by Tuesday, 2 August 2011; and

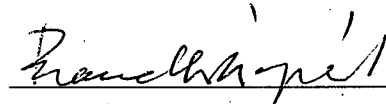
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<sup>1</sup> Decision on Simatović urgent request for provisional release, 20 July 2011.

<sup>2</sup> Urgent Simatović request for provisional release during the summer judicial recess, 7 July 2011 (“Motion”); Impugned Decision, para. 1.

**ORDER** the Defence for Franko Simatović to file its reply, if any, within two days from the date of the response.

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



Judge Árpád Prandler

Dated this twenty-ninth day of July 2011

At The Hague

The Netherlands

**[Seal of the Tribunal]**

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<sup>3</sup> Impugned Decision, para. 1.

<sup>4</sup> Practice Direction, paras 2, 3 and 19.