



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-05-87-T
Date: 1 October 2008
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Decision of: 1 October 2008

PROSECUTOR

v.

**MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ
NEBOJŠA PAVKOVIĆ
VLADIMIR LAZAREVIĆ
SRETEN LUKIĆ**

PUBLIC

**DECISION ON ŠAINOVIĆ MOTION FOR VARIATION OF CONDITIONS OF
TEMPORARY PROVISIONAL RELEASE**

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Government of The Netherlands

Government of the Republic of Serbia

Counsel for the Accused

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

THIS 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”) is seised of a confidential “Defence Renewed Request Seeking Variation of Conditions of Temporary Provisional Release on the Grounds of Compassion,” filed by the Šainović Defence on 1 October 2008 (“Motion”), and hereby renders its decision thereon.

1. In the Motion, the Accused Nikola Šainović (“Accused”) requests that the conditions imposed upon his recently granted temporary provisional release on humanitarian and/or compassionate grounds be varied so that he may leave Belgrade on 4 October 2008 to visit his mother’s grave in Bor, Republic of Serbia (“Serbia”).

2. The Prosecution has indicated that it does not intend to respond to the Motion.

3. The Trial Chamber notes that this request is similar to others that the Chamber has granted in the past¹ and considers that it is in the interests of justice to grant the Motion.

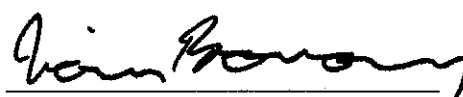
4. Accordingly, the Trial Chamber, pursuant to Article 29 of the Statute of the Tribunal and Rules 54 and 65 of the Rules of Procedure and Evidence of the Tribunal, hereby **GRANTS** the Motion and **ORDERS** as follows:

- (a) The Accused may travel from Belgrade to Bor for the purposes outlined in the Motion during 4 October 2008 and shall return from Bor to Belgrade by 24.00 hours on the same day.
- (b) Serbia shall arrange for law-enforcement officials to escort the Accused from Belgrade to Bor and back and shall escort him during the entire day.
- (c) Serbia shall immediately inform the Trial Chamber of any failure of the Accused to abide by the terms of his temporary provisional release.

¹ *E.g.*, confidential Decision on Request by Nikola Šainović for Variation of Conditions of Provisional Release, 12 May 2006; confidential Decision on General Ojdanić’s Urgent Motion for Modification of Conditions of Provisional Release, 19 July 2005; confidential Order Temporarily Modifying the Conditions of Dragoljub Ojdanić’s Provisional Release, 20 April 2006; Decision on Šainović Request for Variation of Conditions of Provisional Release, 28 June 2006; Decision on Šainović Motion for Temporary Provisional Release, 4 April 2008 (public with confidential annex).

- (d) Both the Accused and Serbia shall continue to adhere to the applicable restrictions and obligations set out in the “Decision on Šainović Motion for Temporary Provisional Release,” issued on 26 September 2008.

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



Judge Iain Bonomy
Presiding

Dated this first day of October 2008
At The Hague
The Netherlands

[Seal of the Tribunal]