



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-95-18-I
Date: 9 May 1996
Original: ENGLISH

BEFORE A JUDGE OF THE TRIBUNAL

Before: Judge Elizabeth Odio Benito
Assisted by: Mr. Dominique Marro, Deputy Registrar
Order of: 9 May 1996

PROSECUTOR

v.

**RADOVAN KARADŽIĆ
RATKO MLADIĆ**

**ORDER ON THE APPLICATION BY THE PROSECUTOR FOR AN ORDER
ENDING TEMPORARY TRANSFER AND REMANDING TO THE AUTHORITIES
OF THE REQUESTED STATE A DETAINED WITNESS TRANSFERRED TO THE
TRIBUNAL UNDER RULE 90 *bis* WHOSE PRESENCE NO LONGER CONTINUES
TO BE NECESSARY**

The Office of the Prosecutor:

**Mr. Richard J. Goldstone
Mr. Graham Blewitt
Mr. Gavin Ruxton**

I, Judge Elizabeth Odio-Benito, Judge at the International Criminal Tribunal for the Former Yugoslavia,

NOTING the Order for Detention of Radoslav KREMENOVIĆ and Drazen ERDEMOVIĆ issued by Judge Fouad Riad on 28 March 1996 and the Order Supplementing the Order of Detention of Radoslav KREMENOVIĆ and Drazen ERDEMOVIĆ issued by Judge Fouad Riad on 26 April 1996,

NOTING the Application for an Order Ending Temporary Transfer and Remanding to the Authorities of the Requested State a Detained Witness[es] Transferred to the Tribunal Under Rule 90 *bis* Whose Presence No Longer Continues to be Necessary, presented by the Prosecutor and filed on 8 May 1996,

HAVING HEARD the Prosecutor on 9 May 1996;

CONSIDERING that, following to the order issued by Judge Fouad Riad on 28 March 1996 pursuant to Rule 90 *bis* of the Rules of Procedure and Evidence, Radoslav KREMENOVIĆ is detained in the United Nations Detention Facility in The Hague;

CONSIDERING that the Prosecutor requests an order by a Judge to bring an end to the period for the temporary transfer of Radoslav KREMENOVIĆ to the detention unit;

CONSIDERING that, in his order dated 26 April 1996, Judge Fouad Riad stated that "Radoslav KREMENOVIĆ [...] shall be kept in detention at the United Nations facilities in The Hague, The Netherlands until 29 May 1996 at midnight at the latest, or until an earlier date, should their presence no longer be required for the investigations of the Prosecutor or so long as no other order is issued by a Judge or Trial Chamber of this Tribunal";

CONSIDERING that, according to that order, the decision to bring the period for the temporary transfer of Radoslav KREMENOVIĆ to an end before 29 May 1996 depends solely on the requirements of the investigations, as determined by the Prosecutor; and that, consequently, an order by a Judge is not necessary for this purpose;

CONSIDERING that the Prosecutor states, in its Application filed on 8 May 1996, that Radoslav KREMENOVIĆ cannot assist the Prosecutor's investigations and that accordingly his personal appearance as a witness is no longer required and that his presence at the detention unit of the Tribunal does not continue to be necessary; that, consequently, the initial orders by Judge Fouad Riad can be put into effect on this ground;

FOR THESE REASONS

STATE that an order by a Judge is not necessary to bring the period of the temporary transfer of Radoslav KREMENOVIĆ to an end before 29 May 1996.

Done in English.



Elizabeth Odio-Benito
Judge of the International Criminal Tribunal
for the Former Yugoslavia

Dated this ninth day of May 1996
At The Hague
The Netherlands



[Seal of the Tribunal]