



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-01-42-PT

Date 21 January 2002

Original: English

IN THE TRIAL CHAMBER

Before: Judge Liu Daqun, Presiding
Judge Mohamed El Mahdi
Judge Alphonsus Orié

Registrar: Mr. Hans Holthuis

Decision of: 21 January 2002

THE PROSECUTOR

v.

MIODRAG JOKIĆ

**ORDER SCHEDULING A HEARING ON THE ACCUSED MIODRAG JOKIĆ
MOTION FOR PROVISIONAL RELEASE**

The Office of the Prosecutor:
Mr. Mark Ierace

Defence Counsel:
Mr. Alun Jones

TRIAL CHAMBER I (“the 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 (“the Tribunal”),

PURSUANT to Article 20 and 21 of the Statute, and to Rule 65 of the Rules of Procedure and Evidence of the Tribunal (“the Rules”);

BEING SEIZED of the Motion for Provisional Release filed by the accused on 18 December 2001 (“the Motion”) and the Annexes thereto (“the Annexes”);

NOTING the Prosecutor’s Response to the Motion, filed on 19 December 2001, in which the Prosecution does not oppose the Motion, on the three conditions that: the accused give an undertaking that he will not attempt to contact, either personally or through intermediaries, with witnesses for the Prosecution; the accused sign an undertaking listing the conditions he guarantees to satisfy; and that an official letter of guarantee be signed by an authorised representative of the Government of Serbia;

NOTING the further filing of the Defence on 19 December, in which both Annexes are actually signed, by the accused and by Dr. Vladan Batić on behalf of the Government of the Republic of Serbia, respectively

NOTING the “Defendant’s Response to the Prosecutor’s Response to the Motion for Provisional Release of Miodrag Jokić”, filed on 21 December 2001;

NOTING the document filed on 21 December 2001 by the accused, in which the latter states that “Further to (his) undertaking in Annex A to (his) Motion for Provisional Release, (he) undertake(s) not to make contact directly or indirectly with any witnesses for the Prosecution”;

NOTING the Decision on the Defence Motion for Provisional Release, issued on 20 December 2001 by a single Judge of the Tribunal, which ordered that the Motion be remitted to the Trial Chamber seized of the case;

CONSIDERING that, pursuant to the Rules, holding a hearing prior to taking a decision on a motion for provisional release is the principle, deciding without a hearing, an exception;

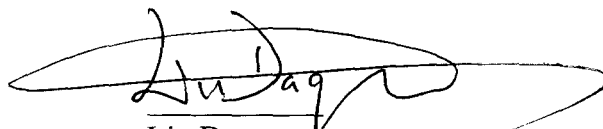
ORDERS as follows:

- the Motion shall be addressed at a hearing to be held on Thursday 31st January 2002, at 14:30 hours, in a courtroom to be designated by the Registry;
- the presence of the accused Miodrag Jokić is requested;

REQUESTS that an authorised representative of the Government of the Republic of Serbia appear before the Trial Chamber to explain about the guarantees offered by his/her Government in relation with the Motion and **STATES** that this representative shall participate in the hearing as and when deemed appropriate by the Trial Chamber.

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

Dated this twenty-first day of January 2002,
At The Hague, The Netherlands.



Liu Daqun,
Presiding Judge

[Seal of the Tribunal]