



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-04-79-PT
Date: 1 July 2005
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Krister Thelin
Judge Christine Van Den Wyngaert

Registrar: Mr. Hans Holthuis

Order of: 1 July 2005

PROSECUTOR

v.

MIĆO STANIŠIĆ

**ORDER REQUESTING ADDITIONAL INFORMATION AND
STAYING THE CONSIDERATION OF
MIĆO STANIŠIĆ'S
MOTION FOR PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Alan Tieger

Counsel for the Accused:

Mr. Branko Lukić

Trial Chamber II 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 seized of “Defence Motion for Provisional Release”, filed on 19 April (“Motion”), by Mićo Stanišić (“Accused”);

NOTING that in the Motion, the Accused states that (a) he was informed of the Indictment on 7 March 2005, by the President of Republika Srpska, Mr. Dragan Covic, and the Minister of Interior of Republika Srpska, Mr. Darko Matijasevic, (b) he immediately made arrangements to voluntarily surrender to the Tribunal and (c) on 11 March 2005, he was transferred to the seat of the Tribunal, in The Hague;¹

CONSIDERING that the Motion does not mention *inter alia*, (a) whether there was an arrest warrant and order to surrender against the Accused, (b) whether the Accused was residing in Republika Srpska, or the Republic of Serbia, when he was served with the Indictment, and his present and previous affiliation to these territories, (c) whether he was taken into custody by authorities of the Republic of Serbia or the authorities of Republika Srpska before his transfer to the Tribunal, and (d) details of the intended residence and employment of the Accused if released.

CONSIDERING that because of the absence of such information the Chamber is not able to assess adequately whether (a) the Accused’s surrender was in fact voluntary, and whether (b) the government guarantees which have been provided are the appropriate guarantees and could be effective to ensure the attendance of the Accused before the Tribunal when required for trial;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence, **ORDERS** the Defence to provide the Chamber, by and no later than 8 July 2005, the following information:

- 1) the Accused’s previous and present family, residential and employment affiliation, where applicable to the Republic of Serbia and Republika Srpska;
- 2) whether there was an arrest warrant and order to surrender against the Accused issued by the authorities in the Republic of Serbia or Republika Srpska;
- 3) whether the Accused was taken into custody by authorities of the Republic of Serbia or of Republika Srpska before his transfer to the Tribunal and the place and circumstances of his surrender or arrest;

¹ Motion, para. 10.

4) details of the intentions of the Accused with respect to residence and employment, if released pending trial;

HEREBY STAYS the consideration of the Motion until the Defence provides this Chamber with the information requested.

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

Dated this first day of July 2005,

At The Hague

The Netherlands



Judge Kevin Parker

Presiding

[Seal of the Tribunal]