



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-PT

Date: 19 July 2005

Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Order of: 19 July 2005

PROSECUTOR

v.

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

SCHEDULING ORDER FOR HEARING ON MOTION FOR PROVISIONAL RELEASE

The Office of the Prosecutor

**Mr. Thomas Hannis
Ms. Christina Moeller
Ms. Carolyn Edgerton**

Counsel for the Accused

**Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Milan Milutinović
Mr. Tomislav Višnjić and Mr. Peter Robinson for Dragoljub Ojdanić
Mr. Toma Fila and Mr. Vladimir Petrović for Nikola Šainović
Mr. John Ackerman and Mr. Aleksander Alekšić for Mr. Nebojša Pavković
Mr. Mihaljo Bakrač for Mr. Vladimir Lazarević
Mr. Theodore Scudder 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 (“the International Tribunal”),

BEING SEISED of a confidential “Motion for Provisional Release” filed by the Defence for the accused Nebojša Pavković (“the Defence”) on 10 June 2005 (“Motion”), in which it argues that the Accused meets the criteria established in Rule 65(B), and that the individual circumstances of his case support a grant of provisional release,

CONSIDERING that Rule 65(B) (“Provisional Release”) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) requires an applicant for provisional release to satisfy the Trial Chamber of two matters: (1) that he will appear for trial, and (2) that, if released, he will not pose a danger to any victim, witness or other person,¹

NOTING the Defence submission that the “[it] would be prepared to provide further arguments and evidence during an oral hearing” in support of the Motion,²

CONSIDERING that the Trial Chamber may be assisted by further submissions on the first prong of the inquiry, that is, the likelihood that the Accused will return for trial, if released, in particular, on the circumstances of his surrender,

NOTING the Prosecution’s submission that “should the Trial Chamber be inclined to rely on any of the guarantees produced, an official from each guaranteeing body should be examined by the Trial Chamber about their obligations and undertakings”,³

CONSIDERING that the Prosecution has identified no particular features of this application that would warrant an examination of representatives of the Government of Serbia and Montenegro and the Republic of Serbia with regard to the guarantees offered,

PURSUANT TO Rule 65 of the Rules,

¹ *Prosecutor v. Milutinović*, “Decision on Second Application for Provisional Release”, Case No. IT-99-37-PT, 14 April 2005, para. 4; *Prosecutor v. Ojdanić*, “Decision on General Ojdanić’s Fourth Application for Provisional Release”, Case No. IT-99-37-PT, 14 April 2005, para. 6; *Prosecutor v. Šainović*, “Decision on Third Defence Request for Provisional Release”, Case No. IT-99-37-PT, 14 April 2005, para. 5.

² Motion, para. 26.

³ Prosecution’s Response to Nebojša Pavković’s Motion for Provisional Release with Annexes A and B, 24 June 2004, para. 17.

HEREBY SCHEDULES a hearing in this matter on Tuesday, 23 August 2005, starting at 3 p.m., at which the Defence will have the opportunity to make oral submissions and lead evidence on the likelihood that the Accused will return for trial, if released, and **ORDERS** the Defence, if it proposes to lead evidence, to inform the Trial Chamber, within 14 days, of the identity of any witness it wishes to lead, and of the proposed arrangements for such evidence to be taken.

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



Judge Patrick Robinson
Presiding

Dated this nineteenth day of July 2005
At The Hague
The Netherlands

[Seal of the Tribunal]