



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-96-23/2-AR65.1
Date: 30 November 2005
Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andréia Vaz
Judge Wolfgang Schomburg

Registrar: Mr. Hans Holthuis

Decision: 30 November 2005

PROSECUTOR

v.

GOJKO JANKOVIĆ

**DECISION ON APPEAL OF THE TRIAL CHAMBER'S
DECISION ON PROVISIONAL RELEASE**

The Office of the Prosecutor:

Ms. Hildegard Uertz-Retzlaff

Counsel for the Accused:

Mr. Aleksandar Lazarević
Mr. Tomislav Višnjić

THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Appeals Chamber” and “Tribunal”, respectively);

NOTING the “Defence Interlocutory Appeal against the Trial Chamber’s Decision on Janković’s Motion for Provisional Release”, filed by Gojko Janković (“Appellant”) on 27 September 2005 (“Appellant’s Motion”);

NOTING the “Prosecution’s Response to ‘Defence Interlocutory Appeal against the Trial Chamber’s Decision on Gojko Janković’s Motion for Provisional Release’”, filed by the Office of the Prosecutor on 7 October 2005;

NOTING the “Order Assigning Judges to a Case before the Appeals Chamber” issued on 4 October 2005 and the “Order Replacing a Judge in a Case Before the Appeals Chamber” rendered on 18 November 2005;

CONSIDERING that in its “Decision on Rule 11bis Referral” of 15 November 2005, the Appeals Chamber dismissed *inter alia* the interlocutory appeal of the Appellant against the Referral Bench’s order to refer the case “to the authorities of the State of Bosnia and Herzegovina, so that those authorities should forthwith refer the case to the appropriate court, *i.e.* the State Court, for trial within Bosnia and Herzegovina”;¹

CONSIDERING therefore that the case has been referred to the aforementioned authorities of Bosnia and Herzegovina and that the Appeals Chamber is no longer seized of the case;

CONSIDERING that consequently the Appellant’s Motion is moot;


FOR THE FOREGOING REASONS

HEREBY DISMISSES the Appellant’s Motion.

¹ Decision on Referral of Case under Rule 11bis With Confidential Annex, 22 July 2005, Chapter VI.

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

Dated this 30th day of November 2005,
At The Hague,
The Netherlands.


Judge Fausto Pocar
Presiding

[Seal of the Tribunal]