



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-05-88-PT

Date: 06 June 2006

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge Kevin Parker  
Judge O-Gon Kwon

**Registrar:** Mr. Hans Holthuis

**Order of:** 6 June 2006

**THE PROSECUTOR**

v.

**VUJADIN POPOVIĆ  
LJUBIŠA BEARA  
DRAGO NIKOLIĆ  
LJUBOMIR BOROVCANIN  
ZDRAVKO TOLIMIR  
RADIVOJE MILETIĆ  
MILAN GVERO  
VINKO PANDUREVIĆ  
MILORAD TRBIĆ**

**ORDER SUSPENDING PROVISIONAL RELEASE**

**The Office of the Prosecutor:**

Peter McCloskey

**Counsel for the Accused:**

Zoran Živanović for Vujadin Popović  
John Ostojić and Christopher Meek for Ljubiša Beara  
Jelena Nikolić and Stephane Bourgon for Drago Nikolić  
Aleksandar Lazarević and Miodrag Stojanović for Ljubomir Borovčanin  
Natacha Fauveau Ivanović for Radivoje Miletić  
Dragan Krgović for Milan Gvero  
Peter Haynes and Đorđe Sarapa for Vinko Pandurević  
Stephane Piletta-Zanin for Milorad Trbić

**Government of Serbia and Montenegro**

**Government of the Republic of Serbia**

**Government of the Netherlands**

**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”);

**NOTING** the powers of a pre-trial Judge as set out in Rule 65*ter* of the Rules, and the Order, dated 5 October 2005<sup>1</sup>, by which Judge Carmel Agius was assigned as the pre-trial Judge in this case;

**NOTING** the Decisions granting provisional release for the Accused Milan Gvero<sup>2</sup> and Radivoje Miletić<sup>3</sup>;

**NOTING** the provision, contained in each Decision, obliging each Accused “to return to the International Tribunal at such time and on such date as the International Tribunal may order”;

**CONSIDERING** that the pre-trial Judge has scheduled a status conference in this case for 6 July 2006, and a Pre-Trial Conference for 13 July 2006, and has indicated that trial will commence on 14 July 2006<sup>4</sup>;

**PURSUANT TO** Article 29 of the Statute of the International Tribunal and Rules 54 and 65 of the Rules of Procedure and Evidence;

**HEREBY SUSPENDS**, effective 29 June 2006, the provisional release of each Accused and **ORDERS** as follows:

- (1) each Accused shall return to the United Nations Detention Unit no later than Thursday, 29 June 2006;
- (2) the Government of Serbia and Montenegro and the Government of the Republic of Serbia shall ensure that each Accused is transported, under guard, from the municipality of Belgrade to Schiphol Airport;
- (3) the Government of the Netherlands shall ensure that each Accused is transported, under guard, from Schiphol Airport to the United Nations Detention Unit;

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<sup>1</sup> *Prosecutor v. Popović et al.*, Case No. IT-05-88-PT, Order Designating a Pre-Trial Judge, 5 October 2005.

<sup>2</sup> *Prosecutor v. Tolimir et al.*, Case No. IT-04-80-PT, Decision Concerning Motion for Provisional Release of Milan Gvero, 19 July 2005.

<sup>3</sup> *Prosecutor v. Tolimir et al.*, Case No. IT-04-80-PT, Decision Concerning Motion for Provisional Release of Radivoje Miletić, 19 July 2005.

<sup>4</sup> *Prosecutor v. Popović et al.*, Case No. IT-05-88-PT, Scheduling Order for a Status Conference and for Start of Trial, 6 June 2006.

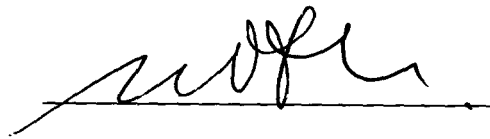
- (4) the Government of Serbia and Montenegro, the Government of the Republic of Serbia, the Government of the Netherlands and the Registry of the International Tribunal shall communicate with each other to facilitate the orderly return of each Accused to the United Nations Detention Unit;
- (5) this suspension of provisional release shall remain in effect until modified by the Trial Chamber.

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

Dated this sixth day of June 2006

At The Hague

The Netherlands



**Judge Carmel Agius**

**Presiding**

**[Seal of the Tribunal]**