



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-T
Date: 26 July 2006
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Wolfgang Schomburg, Duty Judge
Registrar: Mr. Hans Holthuis
Decision: 26 July 2006

PROSECUTOR

v.

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

**ORDER CONCERNING THE ACCUSED'S RETURN
FROM PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Thomas Hannis
Mr. Chester Stamp
Ms. Christina Moeller
Ms. Patricia Fikirini
Mr. Mathias Marcussen

Government of The Republic of Serbia

Government of The Netherlands

Counsel for the Accused:

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksander Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač for Mr. Vladimir Lazarević
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

I, WOLFGANG SCHOMBURG, in my capacity as acting **DUTY JUDGE** 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,

BEING SEIZED OF an urgent request by the Government of the Republic of Serbia for a change of the airport at which the Accused are to be delivered into the custody of the Dutch authorities upon their return from provisional release, filed on 24 July 2006 (“Request”);

NOTING the “Decision on Joint Motion for Temporary Provisional Release during Summer Recess” (“Decision”) given on 1 June 2006 by the Trial Chamber seized of the case against the Accused;

NOTING that in the Decision the Trial Chamber indicated Schiphol airport as the place where the Accused were to be delivered into the custody of the Dutch authorities upon their return from Belgrade and that they were to return to the United Nations Detention Unit not later than on 31 July 2006 at 14.00 hours;¹

NOTING the preference expressed by the Government of the Republic of Serbia for Rotterdam airport as the place where to deliver the Accused;

NOTING that the Dutch authorities have no objection to the change of airport as proposed in the Request;

CONSIDERING that the proposed change of the airport will facilitate the implementation of the Decision;

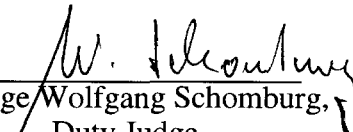
NOTING the unavailability of the Trial Chamber seized of the case and being satisfied as to the urgency of the matter, within the meaning of Rule 28(D)(ii) of the Rules of Procedure and Evidence;

HEREBY GRANT the Request, and

¹ Decision, para 4(d).

ORDER that the airport to which the designated official(s) of the Government of the Republic of Serbia shall deliver the Accused into the custody of the Dutch authorities, pursuant to paragraph (d) of the Decision, be that of Rotterdam.

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


Judge/Wolfgang Schomburg,
Duty Judge

Dated this twenty-sixth day of July 2006
At The Hague
The Netherlands

[Seal of the Tribunal]