IT-06-90-PT
D481 -D479
26 JANUARY 2007

481 AT

UNITED NATIONS

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-06-90-PT

Date: 26 January 2007

Original: English

IN TRIAL CHAMBER I

Before: **Judge Bakone Justice Moloto, Pre-Trial Judge**
Judge Alphons Orie
Judge Christine Van den Wyngaert

Registrar: **Mr. Hans Holthuis**

Order of: **26 January 2007**

PROSECUTOR

v.

ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ

ORDER SUSPENDING PROVISIONAL RELEASE

The Office of the Prosecutor:

Mr. Alan Tieger
Ms. Laurie Sartorio

Government of the Republic of Croatia

Government of the Kingdom of the Netherlands

Counsel for the Accused:

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina
Mr. Čedo Prodanović and Ms. Jadranka Sloković for Ivan Čermak
Mr. Miroslav Šeparović and Mr. Goran Mikuličić for Mladen Markač

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TRIAL CHAMBER I 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 "Decision on Interlocutory Appeal against Trial Chamber's Decision Denying Provisional Release" of the Appeals Chamber of 2 December 2004, granting provisional release for the Accused Ivan Čermak and Mladen Markač ("Decision") and the "Decision on Ivan Čermak's Motion for amending the Conditions of the Appeals Chamber Decision on Provisional Release" of 11 July 2005;

NOTING the conditions under which the Accused were provisionally released, including, "to return to the custody of the International Tribunal at such time and on such date as the International Tribunal may order" and to "comply strictly with any order issued by the Trial Chamber varying the terms of, or terminating, the provisional release"[1];

NOTING the Trial Chamber's "Order Scheduling a Status Conference" of 24 January 2007 wherein it ordered that the Accused attend the Status Conference in person;

NOTING further the Registrar's "Submissions pursuant to Rule 33(B) on the Provisional Release of Ivan Čermak" of 12 January 2007, the Trial Chamber's "Request to the Parties and the Government of Croatia Concerning Submission of the Registrar pursuant to Rule 33(B) on the Provisional Release of Ivan Čermak" of 17 January 2007 and "Ivan Čermak's Response to the Request Concerning Submissions of the Registrar Pursuant to Rule 33(B) on the Provisional Release of Ivan Čermak" of 23 January 2007;

NOTING that the Republic of Croatia has not provided the requested additional information on Čermak's compliance with the conditions of his provisional release and its actions and measures taken to ensure such compliance;

CONSIDERING that the Trial Chamber wishes to further hear from the Accused Čermak on his compliance with the conditions of his provisional release;

[1] Decision, page 12, Para. 44(a)(xii) and (xiii)

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PURSUANT TO Article 29 of the Statute and Rules 54 and 65 *bis* (A),

HEREBY SUSPENDS, effective 8 February 2007, the provisional release of the Accused Ivan Čermak and Mladen Markač, and

ORDERS that:

(i) the Accused Ivan Čermak and Mladen Markač return to the United Nations Detention Unit to attend the Status Conference on 9 February 2007 which is scheduled at 1600 hours;

(ii) in the same Status Conference, Čermak's compliance with his provisional release conditions be discussed further;

(iii) the Government of Croatia shall ensure that each Accused is transported, under guard, from the municipality of Zagreb, Croatia, to Schiphol Airport or any other airport in the Netherlands;

(iv) the Government of the Netherlands shall ensure that each Accused is transported, under guard, from Schiphol Airport or any other airport to the United Nations Detention Unit;

(v) the Government of Croatia, the Government of the Netherlands and the Registry of the Tribunal, shall communicate with each other to facilitate the orderly return of each Accused to the United Nations Detention Unit;

(vi) this suspension of provisional release shall remain in effect until modified by the Trial Chamber.

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

Judge Bakone Justice Moloto
Pre-Trial Judge

Dated this twenty-sixth day of January 2007
At The Hague
The Netherlands

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