



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-R77.1

Date: 9 March 2007

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 9 March 2007

PROSECUTOR

v.

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

**ORDER TO VACATE WARRANT OF ARREST
AND ORDER IN LIEU OF INDICTMENT**

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

**Government of the Kingdom of The
Netherlands**

Attn: The Ministry of Foreign Affairs

Accused

Božidar Protić

Government of the Republic of Serbia

Per: Embassy of the Republic of Serbia to the
Kingdom of the Netherlands

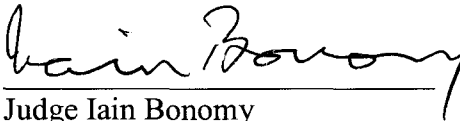
THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) hereby renders this order vacating a prior *ex parte* and confidential order in lieu of indictment and arrest warrant, both issued on 22 February 2007.

1. On 19 January 2007, the Trial Chamber issued a “*Confidential Subpoena Ad Testificandum*” (“Subpoena”) and related documents, in which it ordered Božidar Protić, pursuant to Rule 54 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), *inter alia*, to appear before this Trial Chamber to testify in the case of *Prosecutor v. Milutinović et al.*
2. On 22 February 2007, following Protić’s refusal to accept the Subpoena or to travel to The Hague to testify, and his threats to go into hiding, the Trial Chamber issued its “Order in Lieu of Indictment on Contempt Concerning Božidar Protić” (“order in lieu of indictment”), in which it ordered that Protić be prosecuted for contempt of the Tribunal. Also on 22 February 2007, the Trial Chamber issued its “Warrant of Arrest and Order for Surrender of Božidar Protić” (“arrest warrant”).
3. On 2 March 2007, the Prosecution filed its “*Confidential and Ex Parte Submissions on Execution of Subpoena to Božidar Protić*”, in which it notified the Trial Chamber that Protić was now prepared to accept the Subpoena and to travel to The Hague to testify, and that travel arrangements had been made and confirmed in that regard. On the same day, the Trial Chamber issued its “*Confidential and Ex Parte Order on Suspension of Execution of Arrest Warrant*”, in which it suspended the execution of the arrest warrant until further notice.
4. The Chamber now considers that, due to the fact that the witness has travelled to The Hague and appears willing to comply with the Subpoena and give evidence in these proceedings, it is no longer necessary to pursue the contempt proceeding. It is therefore appropriate, in these circumstances, to vacate the order in lieu of indictment and the arrest warrant, the execution of which is currently suspended pursuant to an order of the Chamber. The Chamber also finds it appropriate, in the interests of transparency, to lift the confidential status of the order in lieu of indictment and the arrest warrant.
5. Pursuant to Rules 54, 55, 56, 57, 58, 59, 59 *bis*, and 77 of the Rules and Articles 20 and 21 of the Statute of the Tribunal, the Chamber hereby **VACATES** the following:

- a. Warrant of Arrest and Order for Surrender of Božidar Protić, issued 22 February 2007; and
- b. Order in Lieu of Indictment on Contempt Concerning Božidar Protić, issued 22 February 2007.

The Trial Chamber hereby **INSTRUCTS** the Registry to alter the status of the order in lieu of indictment and the arrest warrant from confidential and *ex parte* to public and *ex parte*.

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



Judge Iain Bony
Presiding

Dated this ninth day of March 2007
At The Hague
The Netherlands

[Seal of the Tribunal]