

UNITED
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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-04-83-T

Date: 1 February 2008

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr. Hans Holthuis

Order of: 1 February 2008

PROSECUTOR

v.

RASIM DELIĆ

CONFIDENTIAL

**ORDER CONCERNING HEARING
TO BE HELD IN SARAJEVO PURSUANT TO RULE 4
AND TRANSFER OF THE ACCUSED**

The Office of the Prosecutor

Mr. Daryl A. Mundis

**The Government of Bosnia and
Herzegovina**

per The Embassy of Bosnia and
Herzegovina to The Netherlands, The
Hague

Counsel for the Accused

Ms. Vasvija Vidović
Mr. Nicholas David Robson

The Government of The Netherlands

Case No. IT-04-83-T

1 February 2008

TRIAL CHAMBER I (“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”);

NOTING the “Confidential Motion for Rule 4 Hearing and Motion to Call a Witness”, filed by the Office of the Prosecutor (“Prosecution”) on 11 January 2008 whereby the Prosecution moves the Trial Chamber to hold a hearing in Sarajevo pursuant to Rule 4 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) to hear the evidence of one witness;

NOTING that the Trial Chamber orally granted this request during the hearing of 16 January 2008,¹ and issued written reasons thereafter;²

NOTING that, as required under Rule 4 of the Rules, the President of the Tribunal orally granted authorisation for the hearing to take place;

ACKNOWLEDGING that the State Court of Bosnia and Herzegovina (“BiH Court”) by a letter dated 25 January 2008 has kindly indicated its ability and willingness to host such a hearing between Friday 8 February and Monday 11 February 2008;

RECALLING that according to Article 21(4)(d) of the Tribunal’s Statute the Accused has a right to be present at all hearings in the proceedings against him;

FOR THE FOREGOING REASONS, and pursuant to Rules 4, 28, 54 and 64 of the Rules, hereby **ORDERS** as follows:

1. An evidentiary hearing in the present case shall take place as required in a designated courtroom of the BiH Court on Friday 8 February 2008, Saturday 9 February 2008, Sunday 10 February 2008 and Monday 11 February 2008. The sitting times will be determined in consultation with the BiH Court and announced in due course. The support sections of the Tribunal and the BiH Court shall closely cooperate to ensure the availability of all necessary services and facilities for the hearing.
2. The Accused Rasim Delić shall be transferred to BiH in order to enable his presence throughout the hearing.

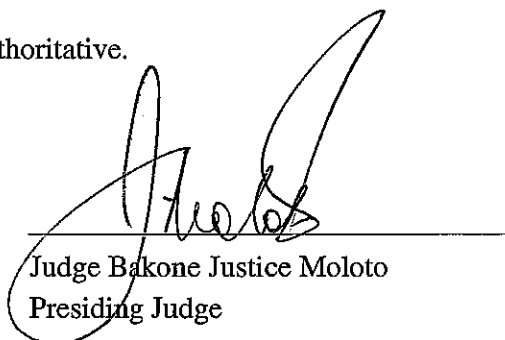
¹ Hearing of 16 January 2008, transcript page (T.) 6876.

² Written Reasons for Oral Decision on Prosecution Motions for a Hearing Pursuant to Rule 4 and to Call a Witness, 17 January 2008.

3. At all times during his transport to and the stay in Bosnia and Herzegovina, as well as during his transport back to The Netherlands, the Accused Rasim Delić shall remain in the *de jure* custody of the Tribunal.
4. The Accused Rasim Delić shall be transported from the United Nations Detention Unit (UNDU) to an airport in The Netherlands by the authorities of the Host State one day prior to the commencement of the hearing, *i.e.*, 7 February 2008. At the airport, the Accused Rasim Delić shall be released into the custody of at least two designated Tribunal security officers who shall escort the Accused throughout his transport to Sarajevo airport.
5. Upon arrival at Sarajevo airport, the appropriate authorities of Bosnia and Herzegovina shall provide for the transport of the Accused Rasim Delić to the detention facility of the BiH Court.
6. The Accused Rasim Delić shall be detained for the duration of the hearing at the detention facility of the BiH Court pursuant to the applicable domestic detention regulations.
7. The Accused shall be transported to and from the detention facility of the BiH Court to and from the courtroom in which the hearing will take place by the appropriate authorities of Bosnia and Herzegovina in conjunction with the designated Tribunal security officers.
8. The appropriate authorities of Bosnia and Herzegovina shall ensure the security and safety of the Accused Rasim Delić at all times in which he is under the territorial jurisdiction of Bosnia and Herzegovina. The authorities of Bosnia and Herzegovina shall immediately notify the Registry of the Tribunal of any event or incident which may pose a threat to the Accused's security and safety.
9. As soon as practicable after completion of the hearing, the authorities of Bosnia and Herzegovina shall provide for the transport of the Accused Rasim Delić to Sarajevo airport, where he shall be released into the custody of at least two designated Tribunal security officers who shall escort the Accused throughout his transport to the UNDU.
10. The authorities of all states through whose territory the Accused Rasim Delić may travel shall facilitate his transport and arrest the Accused should he attempt to escape.
11. Upon arrival in The Netherlands, the authorities of the Host State shall transport the Accused Rasim Delić back to the UNDU.
12. The Accused Rasim Delić shall at no time during his transport to and the stay in Bosnia and Herzegovina, as well as the transport back to The Netherlands:

- a. speak to representatives of the media or discuss his case with anyone other than his counsel;
- b. have any contact whatsoever or in any way interfere with any victim or potential witness or otherwise interfere in any way with the proceedings or the administration of justice.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this first day of February 2008

At The Hague

The Netherlands

[Seal of the Tribunal]