



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-06-90-PT

Date: 6 February 2008

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Christine Van Den Wyngaert
Judge Bakone Justice Moloto

Registrar: Mr. Hans Holthuis

Order of: 6 February 2008

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

PUBLIC

**ORDER SCHEDULING START OF TRIAL
AND TERMINATING PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Alan Tieger
Mr. Stefan Waespi

Counsel for the Accused:

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina
Mr. Steven Kay and Mr. Andrew Cayley for Ivan Čermak
Mr. Goran Mikuličić and Mr. Tomislav Z. Kuzmanović for Mladen Markač

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”);

CONSIDERING that at the status conference held on 18 January 2008 the Trial Chamber raised the matter of start of trial with the Parties and proposed dates for pre-trial conference, opening statements and commencement of presentation of evidence of the Prosecution;¹

CONSIDERING that prior to the status conference, on 10 December 2007 the Trial Chamber informed the Parties by way of email from its Senior Legal Officer that they should begin making plans for commencement of trial in the early March 2008 time frame;

CONSIDERING the concerns of the Prosecution and the Defence expressed at the status conference in terms of readiness for trial and family and business commitments;²

CONSIDERING that the trial was initially scheduled to commence on 7 May 2007 and that it was subsequently postponed until further notice;³

CONSIDERING the Trial Chamber’s duty, enshrined in Article 20(1) of the Statute, to ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the Rules, with full respect for the rights of the accused and due regard for the protection of victims and witnesses;

CONSIDERING that the present order is in keeping with the rights of the Accused as set out in Article 21(4)(b) and (c) of the Statute;

CONSIDERING that Ivan Čermak is on provisional release and is subject to several conditions, notably to return to the custody of the Tribunal at such time and on such date as the Trial Chamber may order, and to comply strictly with any order issued by the Trial Chamber varying the terms of, or terminating, the provisional release;⁴

PURSUANT TO Articles 20 and 29 of the Statute and Rules 65, 73 *bis*, 84:

¹ Status Conference, 18 January 2008, T. 342.

² Status Conference, 18 January 2008, T. 343-350.

³ Scheduling Order, 17 January 2007, which scheduled opening statements to begin to be heard on 7 May 2007 and presentation of evidence for the Prosecution to commence on 9 May 2007; Scheduling Order 19 April 2007, whereby the Pre-Trial Conference, the Opening Statement of the Prosecution, the Opening Statement of the Defence, if any, and the presentation of evidence for the Prosecution were postponed until further notice.

⁴ *Prosecutor v. Čermak and Markač*, Case No. IT-03-73-AR65.1, Decision on interlocutory appeal against Trial Chamber’s decision denying provisional release, 2 December 2004, p. 12; see further *Prosecutor v. Ante Gotovina et al.*, Case No. IT-06-90-PT, Decision on Ivan Čermak’s motion for modification of the clarified conditions of

ORDERS as follows:

- the Pre-Trial Conference shall be held on 10 March 2008;
- the opening statement of the Prosecution will be delivered on 11 March 2008;
- opening statements of the Defence, if any at this stage of the proceedings, shall conclude on 12 March 2008,
- alternatively, if there are no opening statements of the Defence, the presentation of evidence for the Prosecution shall commence on 12 March 2008 and shall continue until 14 March 2008, or, if necessary to conclude a witness' testimony, until 18 March 2008;
- a break is scheduled until 7 April 2008 on which date the presentation of evidence for the Prosecution continues;

TERMINATES the provisional release of Ivan Čermak effective 5 March 2008, and

ORDERS:

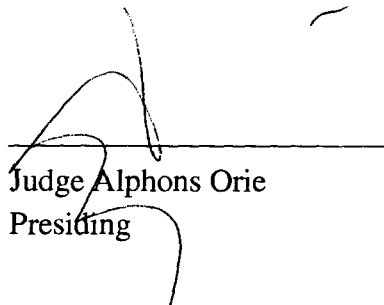
- (a) Ivan Čermak to return to the United Nations Detention Unit in The Hague on 5 March 2008;
- (b) the Government of the Republic of Croatia to designate an official who shall accompany Ivan Čermak from his home and who shall deliver Ivan Čermak into the custody of the Dutch authorities at Schiphol airport on 5 March 2008;
- (c) the Government of the Republic of Croatia to notify, as soon as practicable, the Trial Chamber and the Registrar of the Tribunal of the name of the designated official;
- (d) the Government of the Republic of Croatia to ensure the personal security and safety of Ivan Čermak until he is delivered into the custody of the Dutch authorities at Schiphol airport on 5 March 2008;
- (e) the Government of the Kingdom of the Netherlands to ensure that Ivan Čermak is transported, under guard, from Schiphol airport to the United Nations Detention Unit;
- (f) the Registrar of the Tribunal, Government of the Republic of Croatia, and the Government of the Kingdom of the Netherlands to consult with each other as to the practical arrangements for Ivan Čermak's return to the United Nations Detention Unit;
- (g) the authorities of all States through the territories of which Ivan Čermak may travel to hold Ivan Čermak in custody for any time that he will spend in transit, and to arrest and detain

provisional release, 22 January 2008; *Prosecutor v. Ante Gotovina et al.*, Case No. IT-06-90-PT, Decision to reinstate the provisional release of Ivan Čermak, filed on 15 February 2007.

5913

Ivan Čermak pending his return to the United Nations Detention Unit in The Hague should he attempt to escape.

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



Judge Alphons Orie
Presiding

Dated this sixth day of February 2008

At The Hague

The Netherlands

[Seal of the Tribunal]