



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-01-47-A  
Date: 15 April 2008  
Original: English

IT-01-47-A  
A5192-AS190  
15 April 2008

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HL

**IN THE APPEALS CHAMBER**

**Before:** Judge Fausto Pocar, Presiding  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Liu Daqun  
Judge Theodor Meron

**Registrar:** Mr. Hans Holthuis

**Decision of:** 15 April 2008

**PROSECUTOR**

v.

**ENVER HADŽIHASANOVIĆ  
AMIR KUBURA**

**PUBLIC**

**DECISION TERMINATING THE PROVISIONAL RELEASE  
OF ENVER HADŽIHASANOVIĆ**

**The Office of the Prosecutor:**

Mr. Peter Kremer  
Ms. Shelagh McCall  
Mr. Marwan Dalal  
Mr. Xavier Tracol  
Ms. Barbara Goy  
Ms. Katharina Margetts  
Mr. Matteo Costi

**Counsel for the Appellants:**

Ms. Edina Rešidović and Mr. Stéphane Bourgon for Mr. Hadžihasanović  
Mr. Fahrudin Ibrišimović and Mr. Rodney Dixon for Mr. Kubura

**THE APPEALS 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 (“International Tribunal”);

**RECALLING** the “Decision on Motion on Behalf of Enver Hadžihasanović for Provisional Release” rendered 20 June 2007, which ordered that Enver Hadžihasanović be provisionally released pending the hearing of his appeal (“Provisional Release Decision”);

**NOTING** that the Provisional Release Decision required Enver Hadžihasanović to “comply with any order of the Appeals Chamber varying the terms of, or terminating, his provisional release” and to “return to the International Tribunal at such time and on such date as the Appeals Chamber may order”;<sup>1</sup>

**NOTING** the “Scheduling Order for Delivery of Judgement” issued on 11 April 2008, which ordered that the hearing to deliver the Judgement in this Appeal take place on 22 April 2008;

**NOTING** that the Federation of Bosnia and Herzegovina (“BiH”) undertook to cover all transportation costs from the residence of Enver Hadžihasanović to Schiphol airport;<sup>2</sup>

**PURSUANT** to Rule 65 of the Rules of Procedure and Evidence;

**HEREBY TERMINATES**, with immediate effect, the provisional release of Enver Hadžihasanović and **ORDERS**:

1. Enver Hadžihasanović to return to the United Nations Detention Unit in The Hague;
2. the Government of BiH to designate an official who shall accompany Enver Hadžihasanović from his residence and shall deliver him into the custody of the Dutch authorities at Schiphol airport;
3. the Government of BiH to ensure the personal security and safety of Enver Hadžihasanović until he is delivered into the custody of the Dutch authorities at Schiphol airport;
4. the Government of the Kingdom of the Netherlands to ensure that Enver Hadžihasanović is transported, under guard, from Schiphol airport to the United Nations Detention Unit;

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<sup>1</sup> Provisional Release Decision, paras 15(4)(g), 15(4)(i), respectively.

<sup>2</sup> Motion on Behalf of Enver Hadžihasanović for Provisional Release, 20 April 2007, Confidential Enclosure 3, para. 8 (Guarantees provided by the Federation of Bosnia and Herzegovina).

**INSTRUCTS:**


1. the Registrar of the International Tribunal to consult with the Ministry of Justice of the Netherlands as to the practical arrangements for Enver Hadžihasanović's return to the United Nations Detention Unit;
2. the Government of BiH, the Government of the Kingdom of the Netherlands and the Registry of the International Tribunal to communicate with each other in order to facilitate the orderly return of Enver Hadžihasanović to the United Nations Detention Unit;

**REQUESTS** the authorities of all States through whose territory Enver Hadžihasanović may travel:

1. to hold Enver Hadžihasanović in custody for any time that he will spend in transit; and
2. to arrest and detain Enver Hadžihasanović pending his return to the United Nations Detention Unit in The Hague, should he attempt to escape.

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

Dated this 15<sup>th</sup> day of April 2008,  
At The Hague,  
The Netherlands.

  
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Judge Fausto Pocar  
Presiding Judge

[Seal of the International Tribunal]