



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-04-81-PT
Date: 27 August 2008
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr. Hans Holthuis

Order of: 27 August 2008

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**ORDER RECALLING MOMČILO PERIŠIĆ FROM
PROVISIONAL RELEASE**

The Office of the Prosecutor

Mr. Mark Harmon

Republic of Serbia

via the Embassy of the Republic of Serbia to The
Netherlands, The Hague

Counsel for the Accused

Mr. Novak Lukić
Mr. Jim Castle
Mr. Gregory Guy-Smith

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 “Decision on Momčilo Perišić’s Motion for Provisional Release”, filed on 9 June 2005, whereby the Trial Chamber set out the conditions concerning the provisional release of Momčilo Perišić, and ordered that Momčilo Perišić “return to the International Tribunal at such time and on such date as the Trial Chamber may order” and “comply strictly with any further Order of the Trial Chamber varying the terms of or terminating his provisional release”;¹

CONSIDERING that the Pre-Trial Conference in this case has been rescheduled to take place on 24 September 2008 and that the Opening Statement of the Prosecution is due to be given on 1 October 2008;²

PURSUANT TO Article 29 of the Statute of the Tribunal and Rules 54 and 65 of the Rules of Procedure and Evidence (“Rules”);

ORDERS:

1. Momčilo Perišić to return to the United Nations Detention Unit in The Hague on 18 September 2008;

2. the Government of Serbia to designate an official who shall accompany Momčilo Perišić from his place of residence in Serbia and who shall deliver Momčilo Perišić into the custody of the Dutch authorities at Schiphol Airport, on 18 September 2008;

3. the Government of Serbia to notify, as soon as practicable, the Trial Chamber and the Registrar of the Tribunal of the name of the designated official;

4. the Government of Serbia to ensure the personal safety of Momčilo Perišić until he is delivered into the custody of the Dutch authorities at Schiphol Airport on 18 September 2008;

5. the Government of the Kingdom of the Netherlands to ensure that Momčilo Perišić is transported, under guard, from Schiphol Airport to the United Nations Detention Unit;

INSTRUCTS:

¹ Decision on Momčilo Perišić’s Motion for Provisional Release, 9 June 2005, p 5.

² Order Rescheduling Start of Trial, 27 June 2008, p. 3.

1. the Registrar of the Tribunal to consult with the Ministry of Justice of the Netherlands as to the practical arrangements for Momčilo Perišić's return to the United Nations Detention Unit;

2. the Government of Serbia, the Government of the Kingdom of the Netherlands and the Registry of the Tribunal to communicate with each other in order to facilitate the orderly return of Momčilo Perišić to the United Nations Detention Unit;

REQUESTS the authorities of all States through whose territory Momčilo Perišić may travel:

1. to hold Momčilo Perišić in custody for any time that he will spend in transit; and

2. to arrest and detain Momčilo Perišić 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.



Judge Alphons Orie
Presiding Judge

Dated this twenty-seventh day of August 2008

At The Hague

The Netherlands

[Seal of the Tribunal]