



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-95-13/1-A
Date: 4 December 2008
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Andrézia Vaz

Registrar: Mr. Hans Holthuis

Order of: 4 December 2008

PROSECUTOR

v.

**MILE MRKŠIĆ
VESELIN ŠLJIVANČANIN**

PUBLIC

**ORDER RECALLING VESELIN ŠLJIVANČANIN FROM
PROVISIONAL RELEASE**

The Office of the Prosecutor:

Ms. Helen Brady

Counsel for Mile Mrkšić:

Mr. Miroslav Vasić and Mr. Vladimir Domazet

Counsel for Veselin Šljivančanin:

Mr. Novak Lukić and Mr. Stéphane Bourgon

Republic of Serbia

Kingdom of the Netherlands

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 (“Appeals Chamber” and “International Tribunal”, respectively);

RECALLING the “Decision on the Motion of Veselin Šljivančanin for Provisional Release” rendered on 11 December 2007, which ordered that Veselin Šljivančanin be provisionally released pending the hearing of his appeal (“Provisional Release Decision”);

RECALLING that the Provisional Release Decision required Mr. Šljivančanin 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”;¹

NOTING the “Decision on Šljivančanin and Mrkšić Motions Seeking Additional Time for the Presentation of Supplementary Submissions During the Appeals Hearing or an Alternative Remedy and Scheduling Order for Appeals Hearing” issued on 25 November 2008, which ordered that the appeals hearing shall take place on 21 and 23 January 2009;

NOTING that the Provisional Release Decision ordered that on his return flight, “Mr. Šljivančanin shall be accompanied by a designated official of the Republic of Serbia (or by such other designated officials as the Appeals Chamber may order or accept) who shall deliver Mr. Šljivančanin into the custody of the Dutch authorities at Schiphol airport at a date and time to be determined by the Appeals Chamber”;²

NOTING that the Provisional Release Decision required the Government of the Republic of Serbia to assume responsibility for all “expenses in connection with the transport of Mr. Šljivančanin from Schiphol airport to his place of residence and back”;³

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

HEREBY VARIES the terms of the provisional release of Mr. Šljivančanin and **ORDERS**:

1. Mr. Šljivančanin to return to the United Nations Detention Unit in The Hague for the duration of the appeals hearing in this case;

¹ Provisional Release Decision, p. 4.

² Provisional Release Decision, p. 3.

³ Provisional Release Decision, p. 4.

2. The Government of the Republic of Serbia to designate an official who shall accompany Mr. Šljivančanin from his residence and shall deliver Mr. Šljivančanin into the custody of the Dutch authorities at Schiphol airport;
3. The Government of the Republic of Serbia to ensure the personal security and safety of Mr. Šljivančanin 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 Mr. Šljivančanin is transported, under guard, from Schiphol airport to the United Nations Detention Unit;
5. That all terms and conditions of the Provisional Release Decision shall continue in full force and effect until Mr. Šljivančanin has surrendered to the custody of the International Tribunal, but shall be stayed for the duration of the appeals hearing, and resume after the appeals hearing is adjourned;
6. That after the appeals hearing is adjourned, Mr. Šljivančanin be provisionally released into the custody of the designated official of the Government of the Republic of Serbia at Schiphol airport, who shall accompany Mr. Šljivančanin and ensure his personal security and safety for the remainder of his travel to the Republic of Serbia and to his residence.

INSTRUCTS the Registrar of the International Tribunal to make all necessary arrangements with all relevant authorities for the return of Mr. Šljivančanin, for his detention at the United Nations Detention Unit in adequate time to ensure his attendance at the appeals hearing and for his provisional release after the appeals hearing is adjourned.

REQUESTS the authorities of all States through whose territory Mr. Šljivančanin may travel:

1. To hold Mr. Šljivančanin in custody for any time that he will spend in transit;
2. To arrest and detain Mr. Šljivančanin pending his return to the United Nations Detention Unit in The Hague and pending his return to the Republic of Serbia and his residence after the appeals hearing, should he attempt to escape.

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

Issued this 4th day of December 2008
At The Hague
The Netherlands



Judge Theodor Meron
Presiding

[Seal of the International Tribunal]