



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-08-91-PT
Date: 12 June 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Iain Bonomy, Presiding
Judge Ole Bjørn Støle
Judge Frederik Harhoff (Pre-Trial Judge)

Registrar: Mr. John Hocking

Order of: 12 June 2009

PROSECUTOR

v.

**MIĆO STANIŠIĆ &
STOJAN ŽUPLJANIN**

PUBLIC

ORDER REINSTATING PROVISIONAL RELEASE

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Government of the Republic of Serbia

Counsel for the Accused

Mr. Slobodan Zečević
Mr. Slobodan Cvijetić

Government of the Kingdom of the Netherlands

TRIAL CHAMBER III 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;

RECALLING that on 26 May 2009 the Chamber issued the “Scheduling Order For Status Conference and Order Recalling the Accused from Provisional Release” (hereinafter the “Order”), whereby two status conferences were scheduled pursuant to Rule 65*bis* for the efficient resolution of matters concerning the preparation for trial in view of the Prosecution’s Pre-Trial Brief and other materials, filed on 8 June 2009;¹

RECALLING further that the Order, accordingly, required that the Accused Mićo Stanišić return from his provisional release in Belgrade, Republic of Serbia to be present in person to apprise the Trial Chamber of, *inter alia*, the trial readiness of his Defence and other related matters;

RECALLING that the suspension of the provisional release was to remain in effect until modified by the Chamber;²

NOTING that the Accused Stanišić has been on provisional release on terms and conditions as set out by the Chamber by the Decision of 19 July 2005, with the exception of his recall on 11 April 2008 followed by a subsequent Order of reinstatement on 11 July 2008;³

NOTING the Status Conferences were conducted as scheduled on 9 and 12 June 2009 and the Trial Chamber was satisfied that no matters raised required the continued detention of the Accused Mićo Stanišić;

CONSIDERING that the guarantee provided by the Government of the Republic of Serbia continues to remain in force;

CONSIDERING finally, that no party has identified any material change of circumstances in the period since the suspension of the Accused’s provisional release which would persuade the Chamber that the Accused, if released, will not appear for trial, or that he will pose a threat to any victim, witness or other person, or that the Chamber should otherwise exercise its discretion to deny the Request; for these reasons;

PURSUANT TO Article 29 of the Statute of the Tribunal and Rule 65 of the Rules;

¹ Order, p. 2.

² *Ibid*, p. 4.

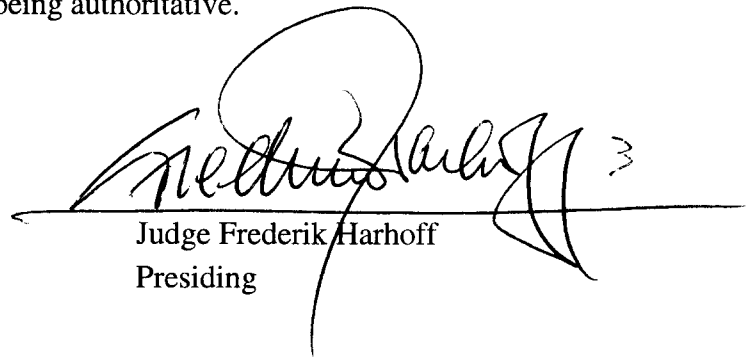
³ *Prosecutor v Mićo Stanišić*, Case No: IT-04-79-PT, “Decision on Mićo Stanišić’s Motion for Provisional Release”, 19 July 2005, pp 8 – 9 (“Decision of 19 July 2005”); “Decision Following the Registrar’s Submission Regarding Mićo Stanišić’s Legal Representation with Incorporated Scheduling Order and Order Recalling the Accused from Provisional Release”, 11 April 2008 and “Order Reinstating Provisional Release”, 10 July 2008.

ORDERS that the provisional release of the Accused be reinstated as of Saturday 13 June 2009 under the same conditions as applicable prior to the suspension of the provisional release, pursuant to the Chamber's Decision of 19 July 2005;

INSTRUCTS the Registry of the Tribunal to consult the Government of the Kingdom of the Netherlands and the Government of the Republic of Serbia as to the practical arrangements for the provisional release of the Accused; and

REQUESTS the Government of the Kingdom of the Netherlands to ensure that the Accused is transported, under guard, from the United Nations Detention Unit to Schiphol Airport or any other airport in the Netherlands, and released into the custody of designated officials of the Government of the Republic of Serbia.

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



Judge Frederik Harhoff
Presiding

Dated this twelfth day of June 2009

At The Hague

The Netherlands

[Seal of the Tribunal]