

IT-03-69-T  
D 17848 - D 17846  
04 August 2009

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UNITED  
NATIONS



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-03-69-T

Date:

4 August 2009

Original:

English

**BEFORE A JUDGE OF THE TRIBUNAL**

**Duty Judge:** Judge Carmel Agius

**Registrar:** Mr John Hocking

**Order of:** 4 August 2009

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

***PUBLIC***

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**URGENT ORDER VARYING CONDITIONS OF FRANKO SIMATOVIĆ'S  
PROVISIONAL RELEASE**

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**Office of the Prosecutor**

Mr Dermot Groome  
Ms Doris Brehmeier-Metz

**Counsel for Jovica Stanišić**

Mr Geert-Jan Alexander Knoops  
Mr Wayne Jordash

**Government of the Republic of Serbia**

*Per:* The Embassy of the Republic of Serbia to  
the Kingdom of the Netherlands

**Counsel for Franko Simatović**

Mr Vladimir Domazet

I, Carmel Agius, Judge 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”);

**BEING SEISED** of Franko Simatović’s urgent request seeking variation of conditions of provisional release, filed 3 August 2009;<sup>1</sup>

**NOTING** the death of Mr Simatović’s lead counsel, Mr Zoran Jovanović, on 2 August 2009;

**NOTING** that the Prosecution informally indicated that it does not oppose the request;

**NOTING** that Mr Jovanović’s funeral is scheduled to take place on 5 August 2009 at 1 p.m. at the Zaječar cemetery in Zaječar, Serbia;

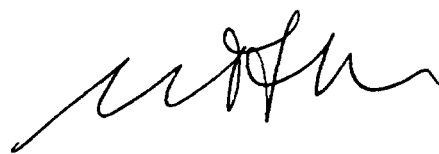
**CONSIDERING** that the circumstances of the request justify a variation of Mr Simatović’s provisional release conditions;

**HEREBY GRANTS** the request and **ORDERS** pursuant to Article 29 of the Statute and Rules 54 and 65 of the Tribunal’s Rules of Procedure and Evidence as follows:

- (a) On 5 August 2009, Mr Simatović may travel from Belgrade to the Zaječar cemetery for the purpose of attending Mr Jovanović’s funeral and shall return from the Zaječar cemetery to Belgrade by 24.00 hours on the same day;
- (b) Serbia shall arrange for law-enforcement officials to escort Mr Simatović from Belgrade to the Zaječar cemetery and back and shall escort him during the entire day;
- (c) Mr Simatović shall refrain from making any kind of public statement;
- (d) Serbia shall immediately inform Trial Chamber I of any failure by Mr Simatović to abide by the terms of his provisional release;
- (e) Both Mr Simatović and Serbia shall, taking into account the above modifications, continue to adhere to the applicable restrictions and obligations set out in the Trial Chamber’s Decision on Simatović Defence Motion for Provisional Release During the Upcoming Court Recess, issued on 10 July 2009.

<sup>1</sup> The Duty Judge notes that the filing by the Accused himself was accepted due to the extraordinary circumstances but that such acceptance in no way pre-judges any future representation decisions to be taken by the Tribunal.

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



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Judge Carmel Agius  
Duty Judge

Dated this fourth day of August 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**