



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-04-83-A  
Date: 16 December 2009  
Original: English

**IN THE APPEALS CHAMBER**

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

**Registrar:** Mr. John Hocking

**Order of:** 16 December 2009

**PROSECUTOR**

v.

**RASIM DELIĆ**

**PUBLIC**

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**ORDER RECALLING RASIM DELIĆ FROM PROVISIONAL  
RELEASE**

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**The Office of the Prosecutor:**

Ms. Michelle Jarvis

**Counsel for Rasim Delić:**

Ms. Vasvija Vidović

Mr. John Jones

**The Government of the Federation of Bosnia and Herzegovina**

**The Government of the 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 “Tribunal”, respectively);

**RECALLING** the “Decision on Motion of Rasim Delić for Provisional Release” rendered on 11 May 2009 (“Provisional Release Decision”), which ordered that Rasim Delić (“Delić”) be provisionally released pending the resolution of his appeal;

**RECALLING** that the Provisional Release Decision required Delić to “comply strictly with any further order of the Appeals Chamber varying the terms of or terminating his provisional release”;<sup>1</sup>

**NOTING** the “Scheduling Order for Appeal Hearing” issued on 2 December 2009, which ordered that the appeal hearing in this case shall be held on 19 January 2010;

**RECALLING** further that the Appeals Chamber ordered that, on his return flight, “Delić shall be accompanied from his place of residence in [the Federation of Bosnia and Herzegovina (“BiH”)] by a designated official of the BiH Government, who shall deliver Delić to the custody of the Dutch authorities at Schiphol airport; the Dutch authorities shall then transport Delić back to the United Nations Detention Unit (“UNDU”) in The Hague”;<sup>2</sup>

**RECALLING** that the Provisional Release Decision required the BiH Government to assume responsibility “for all expenses concerning transport of Delić from Schiphol airport to his residence in Visoko and back”;<sup>3</sup>

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

**HEREBY VARIES** the terms of the provisional release of Delić and **ORDERS**:

1. Delić to return to the UNDU in The Hague for the duration of the appeal hearing in this case;
2. the BiH Government to designate an official who shall accompany Delić from his place of residence in Visoko and who shall deliver him into the custody of the Dutch authorities at Schiphol airport;
3. the BiH Government to ensure the personal security and safety of Delić until he is delivered into the custody of the Dutch authorities at Schiphol airport;

<sup>1</sup> Provisional Release Decision, para. 21(d)(x), p. 10.

4. the Government of the Kingdom of The Netherlands to ensure that Delić is transported, under guard, from Schiphol airport to the UNDU;
5. that all the terms and conditions of the Provisional Release Decision shall continue in full force and effect until Delić has surrendered to the custody of the Tribunal, but shall be stayed for the duration of the appeal hearing, and resume after the appeal hearing is adjourned;
6. as soon as practicable after the appeal hearing, Delić be transported by the Dutch authorities from the UNDU to Schiphol airport where he will be provisionally released into the custody of a designated official of the BiH Government, who shall ensure his personal safety and security for the remainder of his travel to the Federation of Bosnia and Herzegovina and to his residence;

**INSTRUCTS:**

1. the Registrar of the Tribunal to consult with the Dutch Ministry of Justice with regard to the practical arrangements which are necessary for Delić's return to the UNDU and for his provisional release after the appeal hearing is adjourned;
2. the BiH Government, the Government of the Kingdom of The Netherlands, and the Registry of the Tribunal to communicate with each other to facilitate the orderly return of Delić to the UNDU and his provisional release after the appeal hearing;

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

1. to hold Delić in custody for any time that he will spend in transit; and
2. to arrest and detain Delić pending his return to the UNDU in The Hague and pending his return to the Federation of Bosnia and Herzegovina and his residence after the appeal hearing, should he attempt to escape.

<sup>2</sup> Provisional Release Decision, para. 21(c), p. 9.

<sup>3</sup> Provisional Release Decision, para. 21(c), p. 10.

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

Dated this 16<sup>th</sup> day of December 2009  
At The Hague  
The Netherlands



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Judge Andrézia Vaz  
Presiding

[Seal of the Tribunal]