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International
Criminal Tribunal
for the Former
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0588

CASE/AFFAIRE NO. IT-06-90-PT DATE 9 February 2007

FROM/DE RAM DORAISWAMY, COURT OFFICER

SDA

TO/A

<input checked="" type="checkbox"/> President/Président	<input checked="" type="checkbox"/> Prosecutor/Procureur	<input checked="" type="checkbox"/> Defense Counsel/Conseil de la Défense	cc
0 Appeals Chamber/Chambre d'appel	<input checked="" type="checkbox"/> Case Manager/Commis aux affaires	MR. L. MISETIC / MR. G. KEHOE / MR. P. AKHAVAN MR. Č. PRODANOVIĆ / MS. J. SLOKOVIĆ MR. M. ŠEPAROVIĆ / MR. G. MIKULIČIĆ	
<input checked="" type="checkbox"/> Trial Chamber I/Chambre de 1ère instance I	0 Chief of Investigations/Chef des enquêtes		
0 Trial Chamber II/Chambre de 1ère instance II		
0 Trial Chamber III/Chambre de 1ère instance III		

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<input checked="" type="checkbox"/> Registrar/Deputy Registrar/Greffier/Greffier adjoint MR. A. DE WITT	<input checked="" type="checkbox"/> VWS Coordinator/Coordinateur de la SVT MS. W. LOBWEIN
<input checked="" type="checkbox"/> Senior Legal Officer/Juriste hors-classe / Legal Officer MR. T. W. PITTMAN / MR. P. DYGEUS (2)	<input checked="" type="checkbox"/> UNDU Commanding Officer/Commandant du QPNU MR. T. MCFADDEN
<input checked="" type="checkbox"/> PTV / MOW	<input checked="" type="checkbox"/> OLAD

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- Order/Warrant/decision issued by Appeals Chamber or Trial Chamber or a Judge on/
Ordonnance/Mandat/Décision émis(e) par la Chambre d'appel ou les Chambres de 1ère instance ou un Juge le 09/02/07
- 0 Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ____/____/____
- 0 Motion/Request/Application submitted by Prosecution/Defence Counsel on/
Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense le ____/____/____
- 0 Response/reply/brief submitted by Prosecution/Defence Counsel on/
Réponse/Réplique/Mémoire présenté(e) par l'Accusation/le Conseil de la défense le ____/____/____
- 0 Decision of the Registrar on/Décision du Greffier le ____/____/____
- 0 Other/Autre

RECEIVED/RECU	FILED/ENREGISTRE
0 Office hours/heures ouvrables Date: 09/02/2007	0 Office hours/heures ouvrables Date: 09/02/2007
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Article 27.2- Directive for the Registry: A party anticipating a late filing will call the Registry during office hours to request permission of the Registrar and instruction for after hour filing.
Article 27.2-Directive pour le Greffe: une partie prévoyant un dépôt hors des heures ouvrables se mettra en rapport avec le personnel du Greffe durant les heures de bureau pour solliciter l'autorisation du Greffier et les instructions nécessaires.

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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-06-90-PT
Date: 9 February 2007
Original: English

IT-06-90-PT
D 587 - D 583
09 February 2007

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KB.

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Pre-Trial Judge
Judge Alphons Orie
Judge Christine van den Wyngaert

Registrar: Mr. Hans Holthuis

Order of: 9 February 2007

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

**ORDER OF PROVISIONAL RELEASE FOR MLADEN
MARKAČ**

The Office of the Prosecutor:

Mr. Alan Tieger
Ms. Laurie Sartorio

Government of the Republic of Croatia

**Government of the Kingdom of The
Netherlands**

Counsel for the Accused:

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina
Mr. Čedo Prodanović and Ms. Jadranka Sloković for Ivan Čermak
Mr. Miroslav Šeparović and Mr. Goran Mikuličić for Mladen Markač

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 Interlocutory Appeal against Trial Chamber’s Decision Denying Provisional Release” of the Appeals Chamber of 2 December 2004, granting provisional release for the Accused Ivan Čermak and Mladen Markač (“Decision”);

NOTING FURTHER the Trial Chamber’s “Decision on Accused Mladen Markač Application for Variation of Conditions of Provisional Release” of 14 July 2006, varying the terms of the Accused Markač’s provisional release temporarily;

NOTING the Trial Chamber’s “Order Scheduling a Status Conference” of 24 January 2007 wherein it ordered that the Accused Markač attend the Status Conference scheduled for 9 February 2007 in person;

NOTING the Trial Chamber’s “Order Suspending Provisional Release” of 26 January 2007 wherein the provisional release of the Accused Markač was suspended in order for him to attend such Status Conference;

CONSIDERING that the Accused complied with all the conditions imposed upon him while provisionally released during these pre-trial proceedings;

CONSIDERING that the Accused has conducted himself with due respect towards the Tribunal during these proceedings;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence,

HEREBY ORDERS that the Accused be provisionally released as of 10 February 2007 under the same terms and conditions set out in the Decision, namely that the Accused shall:

- 1) Remain within the confines of his residence in the Republic of Croatia;
- 2) Surrender his passport to the Ministry of Interior of the Republic of Croatia;
- 3) Within three days of his arrival, report the address at which he will be staying, to the Ministry of Interior and the Registrar of the International Tribunal, and notify the Ministry of Interior and the Registrar of the International Tribunal of any change of address within three days of the such change;
- 4) Report once a week to the local police station;

- 5) Consent to having his presence checked, including checking by occasional unannounced visits by the Ministry of Interior, officials of the Government of the Republic of Croatia, the local police, or by a person designated by the Registrar of the International Tribunal;
- 6) Not have any contact or in any way interfere with victims or potential witnesses or otherwise interfere with the proceedings or the administration of justice;
- 7) Not seek direct access to documents or archives;
- 8) Not destroy evidence;
- 9) Not discuss the case with anyone – including the media – other than his counsel, and immediate members of their families;
- 10) Not have any contact with the Accused Čermak or with any other accused before this International Tribunal;
- 11) Comply strictly with any order issued by the Trial Chamber varying the terms of, or terminating, the provisional release;
- 12) Not occupy any official position within the Republic of Croatia;
- 13) Report to the Registrar of the International Tribunal, within three days of the start of any employment or occupation, the position occupied as well as the name and address of the employer.

REQUESTS that the Dutch Authorities transport the Accused to Schiphol airport (or any other airport in the Netherlands), and release the Accused into the custody of designated officials of the Government of Croatia;

REQUIRES the Government of Croatia, to assume responsibility for:

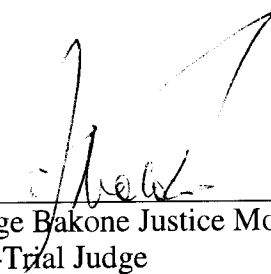
- 1) The personal security and safety of the Accused while on provisional release;
- 2) Ensure compliance with the conditions imposed on the Accused under all decisions on the conditions of his provisional release;
- 3) All expenses concerning the transport of the Accused from Schiphol airport (or any other airport in the Netherlands), to his place of residence in the Republic of Croatia and eventually back to the Netherlands;

- 4) Ensuring that upon release of the Accused at Schiphol airport (or any other airport in the Netherlands), designated officials of the Government of Croatia, (whose names shall be provided in advance to the Trial Chamber and the Registry), take custody of the Accused from the Dutch authorities and accompany the Accused for the remainder of his travel to his place of residence;
- 5) Facilitating at the request of the Trial Chamber or of the parties to the instant case, all means of cooperation and communication between the parties and ensuring the confidentiality of any such communication;
- 6) Not issuing any new passports or documents which would enable the Accused to travel;
- 7) Monitoring on a regular basis the presence of the Accused at the address given to the Registry of the International Tribunal, and maintaining a log of such reports;
- 8) Submitting a written report¹ every month to the Trial Chamber and the Registry as to the presence of the Accused and his compliance with the terms of the present decision;
- 9) Reporting immediately to the Registrar of the International Tribunal the substance of any threats to the security of the Accused, including full reports of the investigations related to threats;
- 10) Immediately detain the Accused should he breach any of the terms and conditions of his provisional release and report immediately any such breach to the Registry and the Trial Chamber;
- 11) Respecting the primacy of the International Tribunal in relation to any existing or future proceedings in the Republic of Croatia concerning the Accused;

INSTRUCTS the Registrar of the Tribunal to consult the Ministry of Justice of The Netherlands and the authorities of Croatia as to the practical arrangements for the release of the Accused.

¹ The report should include *inter alia* the findings of the reports mentioned under (8).

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



Judge Bakone Justice Moloto
Pre-Trial Judge

Dated this ninth day of February 2007
At The Hague,
The Netherlands

[Seal of the Tribunal]