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Tribunal Pénal  
International pour  
l'ex-Yougoslavie



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**CHAMBERS**

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The Hague, 14 April 2005  
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**PROVISIONAL RELEASE GRANTED FOR  
VLADIMIR LAZAREVIĆ, MILAN MILUTINOVIĆ, NIKOLA  
ŠAINOVIĆ AND DRAGOLJUB OJDANIĆ**

- **Lazarević To Be Released Shortly**
- **Decision Stayed for Milutinović, Šainović and Ojdanić Pending Appeal By Prosecution**

Today, 14 April 2005, in four separate Decisions, Trial Chamber III, consisting of Judge Robinson (Presiding), Judge Kwon and Judge Bonomy, granted the provisional release of Vladimir Lazarević, Milan Milutinović, Nikola Šainović and Dragoljub Ojdanić.

**Vladimir Lazarević**

Vladimir Lazarević, indicted alongside Nebojša Pavković, Vlastimir Đorđević (both currently still at large) and Sreten Lukić, is charged with four counts of crimes against humanity and one count of violations of the laws or customs of war. The indictment alleges that the forces of Federal Republic of Yugoslavia (FRY) and Serbia “*acting at the direction, with the encouragement, or with the support of*” Vladimir Lazarević, murdered hundreds of Kosovo Albanian civilians as part of a widespread and systematic campaign of brutality and violence that resulted in the forced deportation of approximately 800,000 Kosovo Albanian civilians from October 1998 until June 1999. He was transferred into the Tribunal’s custody on 3 February 2005, after being at large for more than 15 months.

Vladimir Lazarević filed an application for his provisional release on 22 March 2005, and on 29 March 2005, the Prosecution filed its Response stating it did not oppose the Request “*in light of the specific circumstances that apply to this particular accused.*”

In coming to its Decision, the Trial Chamber considered, among other things, the “*two prongs to the provisional release inquiry, which must both be satisfied before a Chamber may grant release: (1) will the Accused appear for trial? and (2) if released, will he pose a danger to victims, witnesses, or others?*” The Trial Chamber found that Vladimir Lazarević satisfied both requirements.

The Trial Chamber granted the provisional release pursuant to specific terms and conditions as outlined in its Decision, which is available on the Tribunal’s website.

**Milan Milutinović, Nikola Šainović, and Dragoljub Ojdanić**

Milan Milutinović was transferred into the Tribunal’s custody on 20 January 2003 after being at large for approximately three and half years. Nikola Šainović was transferred

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into the Tribunal's custody on 2 May 2002, and Dragoljub Ojdanić was transferred into the Tribunal's custody on 25 April 2002, both after being at large for just under three years.

The indictment against Milan Milutinović, Nikola Šainović and Dragoljub Ojdanić alleges that from approximately 1 January 1999 until 20 June 1999, hundreds of Kosovo Albanian citizens were murdered in massacres that were committed by Serb forces in a number of specific locations listed in the indictment. Furthermore, the indictment alleges that the Accused in a deliberate and widespread or systematic manner, forcibly expelled and internally displaced hundreds of thousands of Kosovo Albanians from their homes across the entire province of Kosovo. According to the indictment, approximately 800,000 Kosovo Albanian civilians were deported.

The Accused are charged with four counts of crimes against humanity and one count of violations of the laws or customs of war by virtue of their positions, as follows:

- Milan Milutinović as President of Serbia, member of the Supreme Defence Council and pursuant to his *de facto* authority;
- Dragoljub Ojdanić as Chief of General Staff of the Yugoslav Army ("VJ");
- Nikola Šainović as Deputy Prime Minister of the FRY;

In coming to its Decision, the Trial Chamber considered, among other things, the "two prongs to the provisional release inquiry, which must both be satisfied before a Chamber may grant release: (1) will the Accused appear for trial? and (2) if released, will he pose a danger to victims, witnesses, or others?" The Trial Chamber found that all three of the Accused satisfied both requirements.

The Trial Chamber further considered that the "Prosecution confirmed its intention to file a motion to join General Lazarević and his co-accused with the defendants in this case. The Prosecution acknowledged that this development might considerably impact on the prospect for commencement of trial in this case, and that, in the event of a joinder, 'the Court may decide that [it] has to release these defendants if their trial is not going to start until 2006'."

Furthermore, the Trial Chamber considered the following for each of the three Accused:

"Article 21(3) of the Statute of the Tribunal mandates that 'the accused shall be presumed innocent until proved guilty'. The presumption of innocence is enshrined in Article 14(2) of the International Covenant on Civil and Political Rights ('the ICCPR'), the Statute of the International Criminal Court ('ICC'), and in a number of international human rights treaties. It follows from this fundamental principle of criminal justice that 'it shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial...'.

While these provisions must be interpreted in light of the specific context in which the Tribunal operates, these norms simply strengthen the Accused's application in circumstances where, as in this case, he has satisfied the Trial Chamber that he will appear for trial and that he will not pose any danger to victims, witnesses or other persons.

Even though there is no suggestion that the length of the pre-trial detention is excessive in this case, the Trial Chamber considers that a period of over two years in pre-trial detention,

*coupled with the real possibility that an application for joinder might further delay the start of the trial for several months, is a factor to be weighed in favour of the Accused in the exercise of the Trial Chamber's discretion."*

The Trial Chamber granted the requests for the provisional release of the Accused subject to specific terms and conditions as outlined in the Decisions, which are available on the Tribunal's website.

The Prosecution applied for a stay of the Decisions of the Trial Chamber to release the Accused pursuant to Rule 65 (E) of the Tribunal's Rules of Procedure and Evidence. The Trial Chamber granted the Prosecution's request.

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***The Decisions can be found on the Tribunal's website at [www.un.org/icty](http://www.un.org/icty).  
Proceedings at the Tribunal can also be followed on its website.***