

UNITED
NATIONS

25-01-42/1-S
D958-D956
04 DECEMBER 2003

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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-01-42/1-S
Date: 4 December 2003
Original: English

IN THE TRIAL CHAMBER

Before: Judge Alphons Orie, Presiding
Judge Amin El Mahdi
Judge Joaquín Martín Canivell

Registrar: Mr. Hans Holthuis

Order of: 4 December 2003

THE PROSECUTOR

v.

MIODRAG JOKIĆ

**ORDER ON MIODRAG JOKIĆ'S REQUEST
FOR CONTINUED PROVISIONAL RELEASE**

The Office of the Prosecutor:
Ms. Susan Somers

Defence Counsel:
Mr. Žarko Nikolić

TRIAL CHAMBER I (the "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 (the "Tribunal")

BEING SEIZED of a Miodrag Jokić's Request for Continued Provisional Release, filed confidentially on 2 December 2003, with an annexed letter of 28 November 2003 by the Republic of Serbia Ministry of Justice (the "Motion");

NOTING its Order of 20 February 2002, granting provisional release to Miodrag Jokić and conditions thereof;

NOTING the plea of guilty entered into by Miodrag Jokić at the hearing and the consequent finding of guilt to the Second Amended Indictment entered into by the Trial Chamber on 27 August 2003;

NOTING its Order of 29 August 2003, granting provisional release at the same conditions as provided in the Order of 20 February 2002, and subject to a scheduling order for the Sentencing hearing or another *ad hoc* Order;

NOTING its Order for Miodrag Jokić's Return to the United Nations Detention Unit and Scheduling Order for a Sentencing Hearing of 26 November 2003, which, *inter alia*, suspended the Order on Provisional Release "until further notice by the Trial Chamber";

NOTING that the Plea Agreement entered into by the parties, at para. 17, explicitly states that "Both parties agree, and will petition the Trial Chamber accordingly, that Miodrag Jokić should remain on provisional release until sentencing";

CONSIDERING that today, 4 December 2003, the Sentencing Hearing has indeed taken place and the Prosecution has explicitly reiterated its position on continued provisional release of Mr. Miodrag Jokić until the Sentencing Judgement is pronounced by the Trial Chamber;

CONSIDERING that the circumstances for granting provisional release have not changed since the Order of 29 August 2003;

FOR ALL THE FOREGOING REASONS,

PURSUANT TO RULE 73 of the Rules of Procedure and Evidence,

HEREBY

GRANTS THE MOTION;

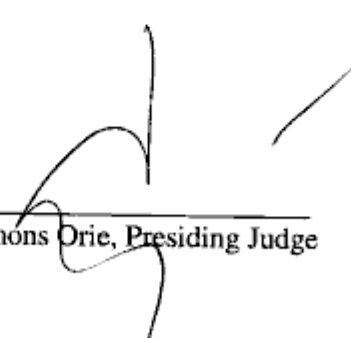
ORDERS that Miodrag Jokić be provisionally released under the following terms and conditions:

1. Miodrag Jokić shall be released as soon as practicable and taken to an airport within the territory of the Kingdom of the Netherlands by the Dutch authorities, who are hereby requested to transport him to the airport and provide for all necessary administrative and security measures.
2. Once at the airport, Miodrag Jokić shall be remitted into the custody of the official designated by Serbia and Montenegro and accompanied by that official to the place of his residence in Belgrade.
3. The conditions of Miodrag Jokić's provisional release shall be the same as those provided in the Order of 20 February 2002 by the Trial Chamber as implemented by the authorities of Serbia and Montenegro;
4. The period of further provisional release shall begin as soon as practicable and shall end on a date to be set by the Scheduling Order for the Sentencing Judgement, or by any other order the Trial Chamber will deem necessary.

REQUESTS the Registry to transmit the Order to the Government of Serbia and Montenegro for the necessary arrangements.

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

Dated this fourth day of December 2003
At The Hague,
The Netherlands



Alphons Orie, Presiding Judge

[Seal of the Tribunal]