

IT-03-69-T  
D38779-038777  
21 March 2012

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SMS



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: 21 March 2012  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Michèle Picard  
Judge Elizabeth Gwaunza

**Registrar:** Mr John Hocking

**Decision of:** 21 March 2012

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

***PUBLIC***

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**ORDER SCHEDULING A HEARING IN RELATION TO  
REQUESTS FOR PROVISIONAL RELEASE**

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**Office of the Prosecutor**  
Mr Dermot Groome

**Counsel for Jovica Stanišić**  
Mr Wayne Jordash  
Mr Scott Martin

**The 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 Mihajlo Bakrač  
Mr Vladimir Petrović

1. On 27 February and 1 March 2012, the Stanišić Defence requested provisional release from 30 March to 29 April 2012 (“Stanišić Request”).<sup>1</sup>

2. On 2 March 2012, the Simatović Defence requested provisional release from 30 March to 30 April 2012 (“Simatović Request”).<sup>2</sup> The Simatović Defence further proposed a hearing at which government representatives could present the position of the Republic of Serbia (“Serbia”) before the Chamber (“Simatović Request for a Hearing”).<sup>3</sup>

3. On 6 March 2012, the Chamber invited Serbia to file, within ten days of the receipt of the invitation, its position in respect of the Stanišić Request and the Simatović Request (“Invitation”).<sup>4</sup> On 7 March 2012, the Registry notified the Chamber in an informal communication that Serbia had received the Invitation on that day.

4. Serbia has not filed any submissions in response to the Invitation. The Chamber has not received any information regarding the reasons for the absence of a Serbian response. As noted in the Invitation, the Chamber considers Serbia’s position on the requests for provisional release of the Accused Stanišić and Simatović to the territory of Serbia to be a relevant factor in deciding on such requests.<sup>5</sup> Accordingly, the Chamber repeats its invitation to Serbia to set out its position in respect of the Stanišić Request and the Simatović Request. Serbia may do so either in writing or in oral submissions at a hearing before the Chamber.

5. For the foregoing reasons, pursuant to Rules 54 and 65 of the Rules of Procedure and Evidence, the Chamber

**GRANTS** the Simatović Request for a Hearing in part;

**ORDERS** that a hearing be held on 28 March 2012, at 9 a.m. in Courtroom II of the Tribunal;

**INFORMS** the parties that the housekeeping session scheduled for 28 March 2012 will commence after this hearing;

**INVITES** Serbia to

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<sup>1</sup> Stanišić Request for Provisional Release during the Easter Holiday of 2012 (Confidential), 27 February 2012, paras 2, 22; Stanišić Defence Corrigendum to Request for Provisional Release during the Easter Holiday of 2012, 1 March 2012, para. 5.

<sup>2</sup> Request for Provisional Release, 2 March 2012, paras 1, 11.

<sup>3</sup> Simatović Request, para. 10.

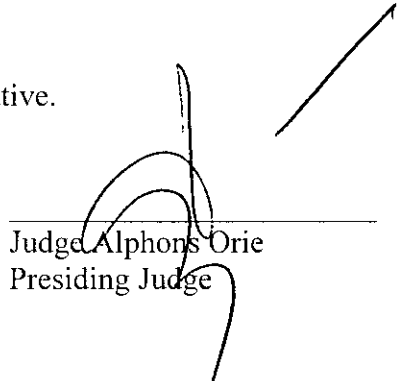
<sup>4</sup> Invitation to the Republic of Serbia in relation to Requests for Provisional Release, 6 March 2012.

<sup>5</sup> Invitation, para. 5 and decisions cited therein.

- appear before the Chamber through (an) authorized and informed representative(s) at the time and place indicated above and to inform the Registry of the identity of the representative(s) no later than 26 March 2012; or
- to file, no later than 26 March 2012, its position in respect of the requested provisional release of the Accused Stanišić and Simatović to the territory of Serbia for a period yet to be determined between the dates of 30 March and 30 April 2012; and

**CLARIFIES** that if Serbia files its position in writing no later than 26 March 2012, the Chamber may decide to cancel the hearing with Serbia scheduled for 28 March 2012.

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



Judge Alphons Orie  
Presiding Judge

Dated this Twenty-first of March 2012  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**