



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

**ORDER RECALLING RASIM DELIĆ FROM PROVISIONAL
RELEASE**

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”;¹

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”;²

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”;³

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;

¹ 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.

² Provisional Release Decision, para. 21(c), p. 9.
³ Provisional Release Decision, para. 21(c), p. 10.

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

Dated this 16th day of December 2009
At The Hague
The Netherlands



Judge Andrézia Vaz
Presiding

[Seal of the Tribunal]