



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-05-87-T
Date: 20 March 2008
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 20 March 2008

PROSECUTOR

v.

**MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ
NEBOJŠA PAVKOVIĆ
VLADIMIR LAZAREVIĆ
SRETEN LUKIĆ**

PUBLIC

**ORDER REINSTATING TEMPORARY PROVISIONAL RELEASE OF
NEBOJŠA PAVKOVIĆ**

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Government of Republic of Serbia

Counsel for the Accused

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

THIS 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”) hereby issues this Order reinstating the temporary provisional release of Accused Nebojša Pavković (“Pavković”).

1. On 14 March 2008, the Trial Chamber granted Pavković’s motion for temporary provisional release, via its “Decision on Pavković Motion for Temporary Provisional Release” (“Decision”). This release was conditioned upon the Government of the Republic of Serbia (“Serbia”) providing 24-hour electronic surveillance of Pavković during his time in Serbia. Following this, Serbia requested, through the Registry of the Tribunal, clarification of the condition of 24-hour electronic surveillance, and the Chamber therefore suspended the Decision pending submissions from the parties and Serbia upon the matter.

2. On 20 March 2008, Pavković provided the Chamber with additional information regarding the conditions of his provisional release, including that electronic surveillance is not available in Serbia,¹ but that, in addition to being accompanied by police officers 24 hours a day,² Pavković’s privately owned dwelling, in which he will reside during the provisional release, has 24-hour video surveillance. According to Pavković, the disc containing the surveillance videos from the private dwelling is available to the Serbian police at any time.³ Pavković further requests an alteration of the dates of his provisional release, based upon the availability of flights to Belgrade.⁴

3. Serbia also made submissions, as requested, confirming that electronic surveillance is not available in Serbia and elaborating upon the detailed procedures put into place to ensure that the Decision of the Chamber is respected.⁵

4. Based upon the further submissions of Pavković and Serbia, as well as the particularly persuasive humanitarian grounds set forth in the confidential annex of the Decision and the lack of objection from the Prosecution, the Chamber considers that it is appropriate to rescind the requirement of 24-hour electronic surveillance, provided that Pavković surrender to the Serbian authorities on each day of his provisional release the surveillance video-recording of his home.

¹ Pavković Second Supplement to Motion for Provisional Release, 20 March 2008, paras. 1, 2.

² Pavković Second Supplement to Motion for Provisional Release, 20 March 2008, paras. 4-7, 10, 11.

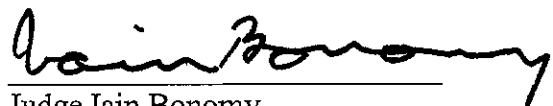
³ Pavković Second Supplement to Motion for Provisional Release, 20 March 2008, para. 8.

⁴ Pavković Second Supplement to Motion for Provisional Release, 20 March 2008, paras. 12, 13.

⁵ The Republic of Serbia’s Submission Related to Trial Chamber’s Order of 18 March 2008, 20 March 2008.

5. Due to the exigencies of the situation, the Chamber has regrettably had to shorten the duration of the release.
6. Accordingly, the Trial Chamber, pursuant to Article 29 of the Statute of the Tribunal and Rules 54 and 65 of the Rules of Procedure and Evidence of the Tribunal, hereby REINSTATES the Decision, RESCINDS the condition of 24-hour video surveillance,⁶ MODIFIES the Decision, and ORDERS as follows:
- (a) Accused Nebojša Pavković (“Accused”) shall surrender to the Serbian authorities on each day of his provisional release the surveillance video-recording of his home.
 - (b) On **Wednesday, 26 March 2008**, the Accused shall be transported to the appropriate airport in the Netherlands by the Dutch authorities.
 - (c) The Accused shall return to the United Nations Detention Unit in The Hague on **Monday, 31 March 2008** in order to attend the scheduled hearing at the Tribunal on **Tuesday, 1 April 2008**.
7. All other provisions of the Decision shall continue to apply to the temporary provisional release of the Accused.

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



Judge Iain Bonomy
Presiding

Dated this twentieth day of March 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Decision, paragraphs 24(m)(ii) and the coordinate portion of paragraph 25(b).