



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: 7 April 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: 7 April 2008

PROSECUTOR

v.

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

PUBLIC

**ORDER MODIFYING DECISION ON ŠAINOVIĆ MOTION FOR
TEMPORARY PROVISIONAL RELEASE**

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Government of Republic of Serbia

Government of The Netherlands

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”) is seized of an urgent and confidential “Defence Request Seeking Temporary Provisional Release,” filed by the Šainović Defence on 7 April 2008 (“Motion”), and hereby renders its decision thereon.

1. In the Motion, Nikola Šainović (“Accused”) requests temporary provisional release in order to attend the funeral of his mother, which will be held on 11 April 2008 in Bor. He consents to the trial proceedings being held in his absence. In an addendum to the Motion, the Accused submits the death certification of his mother.¹

2. The Prosecution has indicated that it does not intend to file a response to the Motion, and would only reiterate what it stated in its confidential “Prosecution Response to Nikola Šainović’s Urgent Request Seeking Temporary Provisional Release on the Grounds of Compassion,” filed on 3 April 2008.

3. On 4 April 2008, the Chamber, in its “Decision on Šainović Motion for Temporary Provisional Release” (“Decision”), granted the Accused temporary provisional release on humanitarian grounds so that he could see his mother before her passing; however, the Accused’s mother died before he was able to leave the Netherlands. The Chamber finds it appropriate to modify the terms of that Decision to permit the Accused to now attend his mother’s funeral.

4. For the foregoing reasons and 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, the Trial Chamber hereby GRANTS the Motion, MODIFIES the Decision, and ORDERS as follows:

- (a) On **Tuesday, 8 April 2008**, the Accused shall be transported to the appropriate airport in the Netherlands by the Dutch authorities.
- (b) The Accused shall return to the United Nations Detention Unit in The Hague on **Sunday, 13 April 2008**.
- (c) The Accused shall be permitted to travel from Belgrade to Bor on **Friday, 11 April 2008** in order to attend the funeral of his mother.

¹ Confidential Addendum to Defence Request Seeking Temporary Provisional Release, 7 April 2008.

5. 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.

A handwritten signature in black ink, appearing to read "Iain Bony", written over a horizontal line.

Judge Iain Bony
Presiding

Dated this seventh day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]