



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-PT

Date: 6 July 2007

Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Krister Thelin
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Order of: 6 July 2007

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**ORDER ON THE CONDITIONS OF PROVISIONAL RELEASE OF THE ACCUSED
FRANKO SIMATOVIĆ**

The Office of the Prosecutor

Ms. Brehmeier-Metz
Mr. Gregory Townsend

Counsel for Jovica Stanišić

Mr. Geert-Jan Alexander Knoops
Mr. Wayne Jordash

Counsel for Franko Simatović

Mr. Zoran Jovanović

Republic of Serbia

TRIAL CHAMBER III of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the Territory of the former Yugoslavia since 1991 (“International Tribunal”),

NOTING the Decision on Provisional Release issued on 28 July 2004 (“Decision”), granting the request of Franko Simatović (“Accused”) to be provisionally released pending the start of his trial,

CONSIDERING the strict requirements set out in the Decision for the Accused’s provisional release, which provides that *inter alia*, (1) the Accused shall abide strictly with any requirement of the authorities of the Republic of Serbia necessary to enable them to comply with their obligations under the Decision and their guarantees, (2) the Republic of Serbia shall submit a written report to the Trial Chamber every two weeks as to the compliance of the Accused with the terms of the Decision, and (3) the Republic of Serbia shall report immediately to the Trial Chamber any breach of the conditions set out in the Decision,

NOTING the State Report of the Republic of Serbia, filed confidentially on 5 July 2007, stating

[...] that Franko SIMATOVIĆ has not fully complied with the conditions of his provisional release and the order of the Ministry of Justice. According to a report by the protection unit of the Ministry of the Interior of 26 June 2007, his whereabouts between 1200 hrs and 2035 hrs on 9 June 2007 are unknown. He had left his residence at 1200 hrs, without informing the Ministry of the Interior employees in charge of his security about the time of his departure or the location where he would be, and reported his location only at 2035 hrs,

CONSIDERING that any breach of the Decision or any breach of an Order of the Ministry of Justice of the Republic of Serbia regarding the Accused’s provisional release may result in an order to revoke the Accused’s provisional release,

CONSIDERING that the Accused must forthwith provide a full and detailed explanation for the reported absence,

CONSIDERING that the Republic of Serbia should be invited to report to the Trial Chamber, within one week of the date of this Decision, on whether there has been an investigation of the reported absence of the Accused, and to provide any other relevant information pertaining to the reported absence of the Accused,

CONSIDERING that on the basis of the information provided by the Accused and the report of the Republic of Serbia, the Trial Chamber may issue further orders on the matter,

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 54 and 65 of the Rules,

HEREBY ORDERS the Accused to provide a full and detailed explanation for his reported absence no later than Monday, 9 July 2007 and **INVITES** the Republic of Serbia to report, within one week of the date of this decision, on whether there has been an investigation of the reported absence of the Accused, and to provide any other relevant information pertaining to the reported absence of the Accused.

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



Patrick Robinson
Presiding

Dated this sixth day of July 2007
At The Hague
The Netherlands

[Seal of the Tribunal]