


IT-03-69-T
D 17848 - D 17846
04 August 2009

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 UNITED NATIONS	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:	4 August 2009
		Original:	English

BEFORE A JUDGE OF THE TRIBUNAL

Duty Judge: Judge Carmel Agius
Registrar: Mr John Hocking
Order of: 4 August 2009

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

URGENT ORDER VARYING CONDITIONS OF FRANKO SIMATOVIĆ'S PROVISIONAL RELEASE

Office of the Prosecutor

Mr Dermot Groome
Ms Doris Brehmeier-Metz

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

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 Vladimir Domazet

I, Carmel Agius, Judge 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");

BEING SEISED of Franko Simatović's urgent request seeking variation of conditions of provisional release, filed 3 August 2009;¹

NOTING the death of Mr Simatović's lead counsel, Mr Zoran Jovanović, on 2 August 2009;

NOTING that the Prosecution informally indicated that it does not oppose the request;

NOTING that Mr Jovanović's funeral is scheduled to take place on 5 August 2009 at 1 p.m. at the Zaječar cemetery in Zaječar, Serbia;

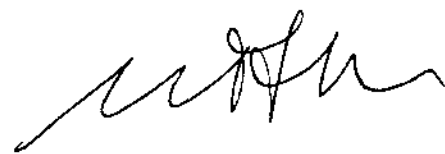
CONSIDERING that the circumstances of the request justify a variation of Mr Simatović's provisional release conditions;

HEREBY GRANTS the request and **ORDERS** pursuant to Article 29 of the Statute and Rules 54 and 65 of the Tribunal's Rules of Procedure and Evidence as follows:

- (a) On 5 August 2009, Mr Simatović may travel from Belgrade to the Zaječar cemetery for the purpose of attending Mr Jovanović's funeral and shall return from the Zaječar cemetery to Belgrade by 24.00 hours on the same day;
- (b) Serbia shall arrange for law-enforcement officials to escort Mr Simatović from Belgrade to the Zaječar cemetery and back and shall escort him during the entire day;
- (c) Mr Simatović shall refrain from making any kind of public statement;
- (d) Serbia shall immediately inform Trial Chamber I of any failure by Mr Simatović to abide by the terms of his provisional release;
- (e) Both Mr Simatović and Serbia shall, taking into account the above modifications, continue to adhere to the applicable restrictions and obligations set out in the Trial Chamber's Decision on Simatović Defence Motion for Provisional Release During the Upcoming Court Recess, issued on 10 July 2009.

¹ The Duty Judge notes that the filing by the Accused himself was accepted due to the extraordinary circumstances but that such acceptance in no way pre-judges any future representation decisions to be taken by the Tribunal.

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



Judge Carmel Agius
Duty Judge

Dated this fourth day of August 2009
At The Hague
The Netherlands

[Seal of the Tribunal]