

## **Provisional Release Under Scrutiny**

**Author:** [IWPR](#)

TU No 446, 31-Mar-06

The three - ex-Yugoslav deputy prime minister Nikola Sainovic and two former chiefs of staff of the Yugoslav army, Dragoljub Ojdanic and Nebojsa Pavkovic - are all charged with responsibility for war crimes in Kosovo in the late Nineties.

Milosevic's funeral was held in Pozarevac some 60 kilometres from the capital. According to the terms of their provisional release, the men are required to "remain within the confines of the municipality of Belgrade".

At a status conference this week to discuss other matters pertaining to their case, the pre-trial judge Iain Bonomy asked counsel to explain how it was that their clients had come to attend the funeral without asking permission from the tribunal.

The judge made it clear that he wasn't investigating the incident aggressively, but rather wanted know if there was a lack of clarity about the conditions of provisional release. It is "important that....the ground rules are clear", he said, explaining that the tribunal was anxious to avoid anything "unfortunate" from happening.

Toma Fila, counsel for Sainovic, explained that he had asked the Serbian justice ministry if there were precedents whereby accused on provisional release had been allowed to travel. He was told that in the case of weddings, funerals and the like, the ministry was able to authorise travel for up to half a day.

He explained further that the accused were accompanied at all times by a Serbian police escort.

Other defence counsel suggested that if every visit outside Belgrade was presented to the tribunal, the judges would be "completely snowed under" by requests. This, they insisted, would simply be "absurd".

In reply to a prosecution suggestion that the Serbian justice minister should be brought to The Hague to answer questions about the whole affair, the judge again stressed that that was not his role, and that he was merely "on a fact-finding mission".

"What it boils down to," said Judge Bonomy, is "how the provisional release conditions are interpreted" and whether "the ministry may have abrogated authority" that they did not have.

He said he would report the matter to the trial judges and then to the registry, and that it would be up to the registry to decide if action needed to be taken.

**Location:** [Kosovo](#)

**Topic:** [Briefly Noted](#)

**Focus:** [International Criminal Tribunal for the former Yugoslavia](#)