



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-96-19-Misc.1

Date: 3 April 1996

Original: FRENCH &
ENGLISH

Before: Judge Elizabeth Odio Benito

Registrar: Mr. Dominique Marro, Deputy-Registrar

Decision of: 3 April 1996

COLONEL KRSMANOVIĆ

DECISION

The Office of the Prosecutor:

M. Graham Blewitt

I, Elizabeth ODIO BENITO, Judge of Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia,

Seized of a request, pursuant to the provisions of Rule 90 *bis* of the Rules of Procedure and Evidence ("the Rules"), presented orally by the Prosecutor to extend the detention of Colonel Aleksa Krsmanović for a period of two days,

Considering that the Prosecutor has stated that the Embassy of the Republic of Bosnia and Herzegovina has just sent him a facsimile letter which he is asked to consider as an official request of the Government to extend the detention of Colonel Aleksa Krsmanović for a period of two days;

Noting the decision of 29 March 1996 of Trial Chamber I ordering that Colonel Aleksa Krsmanović be transferred to the competent authorities of Bosnia and Herzegovina and instructing the Registry to ensure, in co-operation with all the authorities concerned, with the greatest diligence and, at the latest, before 3 April 1996 at 24 hours, that Colonel Aleksa Krsmanović be transferred to the authorities of Bosnia and Herzegovina,

Considering that according to the provisions of Rule 90 *bis* (F) of the Rules, a Judge may extend the period of the detention if, by the end of the period decided by the Tribunal, the presence of the detained witness continues to be necessary;

Considering that on 29 March 1996, the Trial Chamber noted that the Prosecutor, Colonel Krsmanović and his counsel agreed that the presence of Colonel Krsmanović as a witness was no longer justified;

Considering that in support of the request presented today, for which no grounds have been provided, no element permitting modification of the above mentioned decision has been presented,

Considering, therefore, that in the absence of any new element, the conditions for the application of the above mentioned rule have not been satisfied,

Considering that, in addition, the Judge who is the guarantor of individual liberties cannot extend the detention if he has not previously heard the interested party and his counsel failing which he would seriously violate the rights of the defence; that, in this case, this condition has not been satisfied either,

Considering, therefore, that the above mentioned request must be rejected.

FOR THESE REASONS

REJECT the request,

STATE that there are no reasons for extending the detention of Colonel Krsmanović.



Judge Elizabeth Odio Benito

Dated this third day of April 1996
The Hague,
The Netherlands