

**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-95-14-T

Date: 9 January 1997

French

Original: English

BEFORE THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: President Antonio Cassese

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 9 January 1997

PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

**DECISION ON MOTION OF THE DEFENCE
SEEKING MODIFICATION OF THE CONDITIONS
OF DETENTION OF GENERAL BLAŠKIĆ**

The Office of the Prosecutor

**Mr. Mark B. Harmon
Mr. Andrew Cayley**

Counsel for the Accused

**Mr. Anto Nobile
Mr. Russell Hayman**

I, Antonio Cassese, President of the International Criminal Tribunal for the former Yugoslavia,

CONSIDERING Rule 64 of the Rules and Procedure and Evidence,

CONSIDERING my previous Decisions rendered on 3 April 1996, 17 April 1996 and 9 May 1996,

CONSIDERING the Request for Modification of the Conditions of General Tihomir Blaškić's detention filed by Counsel for the Accused on 5 December 1996 (hereinafter "the Request"),

CONSIDERING the Response of the Prosecutor filed on 5 December 1996, which does not oppose the Request insofar as it is "consistent with the security interests of the Tribunal and the host country",

HAVING HEARD the Prosecutor and Counsel for the Accused in closed session on 6 December 1996,

HAVING CONSULTED the Host Country,

CONSIDERING the right of all detainees to be treated in a humane manner in accordance with the fundamental principles of respect for their inherent dignity and of the presumption of innocence,

CONSIDERING also the imperatives of security and order, as set forth by the Host Country and the Registrar,

CONSIDERING that most of the requests made by Counsel for the Accused do not meet the requirements of security, as set out to me by the relevant authorities of the Host Country and the Registrar,

HEREBY DECIDE as follows:

- (1) To grant the first request of Counsel for the Accused that the Accused be granted two hours of physical exercise per day, such exercise to be taken in the living room of the Accused's quarters;
- (2) With respect to the second request of Counsel for the Accused, to grant the Accused seven hours of fresh air per week, to be taken on the terrace of his quarters, but not in the garden. The distribution of the seven hours over the course of the week will be decided upon by the security officers in light of the requirements of security;
- (3) With respect to the third request, to permit the Accused's wife and children to visit him for up to seven consecutive days per month;
- (4) To further allow the Accused to use the living room of his quarters from 9 a.m. to 8 p.m., to the extent that such use does not conflict with the requirements of security;
- (5) To order that the present regime concerning the use of toilet facilities not be discontinued, at least until such time as technical modifications, if any, are made to the Accused's quarters which would allow him and his family free access to those facilities without jeopardising security and order,

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



Antonio Cassese
President

Dated this 9th day of January 1997
At The Hague
The Netherlands

[Seal of the Tribunal]