



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-95-16-A
Date: 29 June 2001
Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Patricia Wald, Presiding
Judge Lal Chand Vohrah
Judge Rafael Nieto-Navia
Judge Fausto Pocar
Judge Liu Daqun

Registrar: Mr. Hans Holthuis

Decision of: 29 June 2001

PROSECUTOR

v.

**ZORAN KUPREŠKIĆ
MIRJAN KUPREŠKIĆ
VLATKO KUPREŠKIĆ
DRAGO JOSIPOVIĆ
VLADIMIR ŠANTIĆ**

**DECISION ON THE MOTION OF VLATKO KUPREŠKIĆ FOR PROVISIONAL
RELEASE**

Counsel for the Prosecutor:

Mr. Upawansa Yapa

Counsel for the Defence:

**Mr. Ranko Radović, Mr. Tomislav Pasarić for Zoran Kupreškić
Ms. Jadranka Sloković-Glumac, Ms. Desanka Vranjican for Mirjan Kupreškić
Mr. Anthony Abell, Mr. John Livingston for Vlatko Kupreškić
Mr. William Clegg Q.C., Ms. Goranka Herljević for Drago Josipović
Mr. Petar Pavković, Mr. Mirko Vrdoljak for Vladimir Šantić**

THE APPEALS CHAMBER 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 (“the International Tribunal”);

NOTING that Vlatko Kupreškić (“the Appellant”) filed a Notice of Appeal before the Appeals Chamber on 26 January 2000;

BEING SEISED of a confidential “Motion for Provisional Release on Behalf on Vlatko Kupreškić” filed by counsel for the Appellant on 31 May 2001 (“the Motion”) which requests that the Appellant be granted provisional release pursuant to sub-Rule 65(I) of the Rules of Procedure and Evidence of the International Tribunal;

NOTING the confidential “Prosecution’s Response to ‘Motion for Provisional Release on Behalf on Vlatko Kupreškić’” filed by the Prosecution on 11 June 2001 which requests that the Motion be denied;

NOTING that sub-Rule 65(I) provides that the Appeals Chamber may grant provisional release to a convicted person pending an appeal or for a fixed period if it is satisfied that (i) the appellant, if released, will either appear at the hearing of the appeal or will surrender into detention at the conclusion of the fixed period, as the case may be; (ii) the appellant, if released, will not pose a danger to any victim, witness or other person; and (iii) special circumstances exist warranting such release;

CONSIDERING the arguments presented in the Motion to satisfy the requirements of sub-Rule 65(I) of the Rules aforesaid such that provisional release may be granted;


CONSIDERING that the Appellant has been convicted of a crime against humanity, persecution contrary to Article 5(h) of the Statute of the International Tribunal, a serious violation of international humanitarian law for which a sentence of six years’ imprisonment was imposed;

CONSIDERING that the Appellant’s appeal hearing has been set for Monday 23 to Wednesday 25 July 2001 and that a judgement on appeal is expected to be rendered shortly thereafter;

FINDING that it is not satisfied that the Appellant has demonstrated that special circumstances exist to warrant his release pending appeal;

HEREBY DENIES the Motion.

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



Patricia Wald
Presiding Judge

Dated this 29th day of June 2001
At The Hague,
The Netherlands.

[Seal of the Tribunal]