



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: 5 September 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: 5 September 2001

PROSECUTOR

v.

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

DECISION ON THE REQUEST OF VLADIMIR ŠANTIĆ 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. Valerie Charbit for Drago Josipović
Mr. Petar Pavković 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”);

BEING SEISED of the “Request For Provisional Release, Several Days, Accused Vladimira Šantića also known as ‘Vlado,’” filed by Counsel for Vladimir Šantić (“the Appellant”) on 23 August 2001 (“the Request”), in which the Appellant seeks provisional release in order that he may be present at his son’s marriage ceremony on 8 September 2001 in Široki Brijeg, Bosnia and Hercegovina;

NOTING the confidential “Prosecution’s Response to Motion Entitled ‘Request for Provisional Release, Several Days, Accused Vladimira Šantića also known as ‘Vlado’ Filed on 23 August 2001””, filed by the Prosecution on 3 September 2001, in which the Prosecution submits that the Request should be denied;

NOTING that sub-Rule 65(I) of the Rules of Procedure and Evidence 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 that the Appellant submits in the Request that he has “asked for assurance of the authorized constitutions of BiH”, such that, if released, he “will on time and in an orderly manner” return to the Detention Unit of the International Tribunal, and has indicated a limited, particular and special purpose for his release;

CONSIDERING that the Appellant indicated in the Request that he would forward “the assurance of the authorised constitutions” to the Appeals Chamber immediately upon his receipt of such assurance;

CONSIDERING that on 14 January 2000 Trial Chamber II convicted the Appellant on three counts of crimes against humanity in violation of Article 5 of the Statute of the International Tribunal, for which the Trial Chamber sentenced him to prison terms ranging between ten to twenty-five years, to be served concurrently;

CONSIDERING that the Appellant has failed to submit to the Appeals Chamber any guarantees or assurances from the competent authorities in Bosnia and Hercegovina, or from the Appellant himself, that he will return to the International Tribunal if released;

FINDING no guarantees or assurances forthcoming, and considering that the Appellant has not satisfied the Appeals Chamber that the criteria of sub-Rule 65(I) have been met, in particular that the Appellant, if released, will return to the International Tribunal to appear in further proceedings or surrender into detention at the conclusion of his release period;

HEREBY DENIES the Request.

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



Patricia Wald
Presiding Judge

Dated this 5th September 2001

At The Hague,

The Netherlands.

[Seal of the Tribunal]