



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-00-39 & 40-PT
Date: 24 January 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 24 January 2002

PROSECUTOR

v.

**MOMČILO KRAJIŠNIK
&
BILJANA PLAVŠIĆ**

DECISION ON MOTION FOR PROVISIONAL RELEASE

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Alan Tieger

Counsel for the Accused:

Mr. Deyan Brashich and Mr. Nikola Kostich, for Momčilo Krajišnik
Mr. Robert J. Pavich and Mr. Eugene O'Sullivan, for Biljana Plavšić

THIS TRIAL 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 a “Renewed Motion for Provisional Release” filed by counsel for the accused, Momčilo Krajišnik, on 2 January 2002 (“the Motion”), in which the defence seeks an Order granting provisional release, based on supposed changed circumstances, namely, a change in composition of the Trial Chamber and a postponement of the proposed date for trial,

NOTING the response filed by the Office of the Prosecutor (“Prosecution”) on 16 January 2002, and the defence motion for leave to file a reply filed on 22 January 2002, requesting an oral hearing,

NOTING that the accused, Momčilo Krajišnik, has sought provisional release on previous occasions, all of which have been denied by the Trial Chamber,

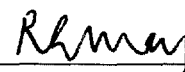
NOTING that, on 14 December 2001, the Appeals Chamber of the International Tribunal rejected an application by the defence for leave to appeal the latest Decision of the Trial Chamber on provisional release,

NOTING that the anticipated time for commencement of the trial of this matter is now autumn 2002,

CONSIDERING that, in the view of the Trial Chamber, the change of circumstances relied upon by the defence, which expressly incorporates all of the arguments made in support of the previous applications, is not sufficient to warrant a renewed application for provisional release,

PURSUANT TO Rule 65 HEREBY DENIES the request for an oral hearing and **DISMISSES THE MOTION.**

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



Richard May
Presiding

Dated this twenty-fourth day of January 2002
At The Hague
The Netherlands

[Seal of the Tribunal]