



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-02-65-PT
Date: 16 July 2003
Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 16 July 2003

PROSECUTOR

v.

**ŽELJKO MEJAKIĆ
MOMČILO GRUBAN
DUŠAN FUŠTAR
DUŠKO KNEŽEVIĆ**

**DECISION ON DEFENDANT DUŠAN FUŠTAR'S EMERGENCY MOTION TO MODIFY
THE TRIAL CHAMBER'S DECISION OF 11 JULY 2003 PERTAINING TO
THE TERMS OF HIS TEMPORARY PROVISIONAL RELEASE**

Office of the Prosecutor:

Ms. Joanna Korner
Ms. Sureta Chana
Ms. Jocelyne Bodson
Mr. Nicholas Koumjian

Counsel for the Accused:

Mr. Jovan Simić, for Željko Mejačić
Ms. Sanja Turlakov, for Momčilo Gruban
Mr. Theodore Scudder and Mr. Dragan Ivetić, for Dušan Fuštar
Ms. Slobodanka Nedić and Mr. Thomas Moran, for Duško Knežević

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 (“International Tribunal”),

BEING SEISED of a “Defendant, Dusan Fustar’s Emergency Motion to Modify the Trial Chamber’s Decision of 11 July 2003, Pertaining to the Terms of His Temporary Provisional Release”, filed by the Defence of Dušan Fuštar (“accused”) on 15 July 2003 (“Motion”), seeking a modification of the Trial Chamber’s “Decision on Defendant Dušan Fuštar’s Emergency Motion Seeking A Temporary Provisional Release to Attend the 40-Day Memorial of His Father’s Death”, issued 11 July 2003 (“Decision”), so that the accused may increase the length of his temporary provisional release,

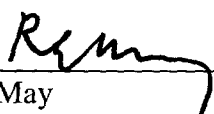
NOTING that the accused’s defence counsel *incorrectly* states in the Motion that the Decision specifically designates Mr. Trivun Jovičić as the “designated official of Republika Srpska” referred to in the Decision,

CONSIDERING that the reasons advanced for the Motion, namely to accommodate Mr. Jovičić’s schedule so he can take part in a meeting in Banja Luka with Chief Prosecutor Carla Del Ponte and other officials of Republika Srpska and Bosnia-Herzegovina, and to allow the accused additional time to rest from his travel from the International Tribunal to his family home in Prijedor, do not constitute sufficient grounds for a modification of the temporary provisional release,

PURSUANT TO Article 29 of the Statute of the International Tribunal and Rule 65 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY DENIES the **MOTION**.

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


Richard May
Presiding

Dated this sixteenth day of July 2003
At The Hague,
The Netherlands

[Seal of the Tribunal]