



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-04-74-PT

Date: 1 July 2005

Original: English

IN TRIAL CHAMBER I

Before: Judge Liu Daqun, Presiding
Judge Amin El Mahdi
Judge Alphons Orié

Registrar: Mr. Hans Holthuis

Decision: 1 July 2005

THE PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ČORIĆ
BERISLAV PUŠIĆ**

**ORDER ON JADRANKO PRLIĆ'S MOTION FOR VARIATION
OF CONDITIONS OF PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Kenneth Scott

The Government of the Republic of Croatia:

per: The Embassy of the Republic of Croatia,
The Hague, The Netherlands

Counsel for the Accused:

Mr. Michael Karnavas

TRIAL CHAMBER I (“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 (“Tribunal”);

RECALLING the “Order on Provisional Release of Jadranko Prlić” (“Order on Provisional Release”) dated 30 July 2004, by which the Chamber provisionally released Jadranko Prlić (“Accused”), subject to certain conditions, including the requirement “to remain within the confines of the municipality of his chosen residence in the Republic of Croatia”;¹

NOTING “Jadranko Prlić’s Motion for Variation of Conditions of Provisional Release” filed confidentially on 11 April 2005, whereby the Accused seeks permission to leave his residence in Zagreb, Croatia, to travel to Mostar, Bosnia and Herzegovina for a limited period of two weeks² for the purposes of visiting his parents and resolving various details pertaining to his teaching and professional responsibilities at the University of Mostar;

NOTING the “Prosecution’s Response to the Accused Jadranko Prlić’s Motion for Variation of Conditions of Provisional Release” filed confidentially on 15 April 2005, whereby the Prosecution objects to the proposed variation and submits that “the arguments and information presented by the Accused are wholly insufficient”;

NOTING that the “Reply to Prosecution’s Response to the Accused Jadranko Prlić’s Motion for Variation of Conditions of Provisional Release” was filed by the Defence on 18 April 2005 without leave being first granted by the Chamber as required by Rule 126*bis* and is therefore not taken into consideration;

NOTING “Jadranko Prlić’s Revised Motion for Variation of Conditions of Provisional Release” filed on 6 June 2005, whereby the Defence requests that the Accused be allowed to reside at his parents’ summer house in Makarska, Croatia, where his ailing parents will also be staying (“Motion”);

NOTING the “addendum to Jadranko Prlić’s Motion for Variation of Conditions of Provisional Release” filed on 16 May 2005 whereby the Defence for the Accused submits the medical records of his ailing father in support of the Motion;

NOTING the “Prosecution’s Response to the Accused Jadranko Prlić Revised Motion for Variation of Conditions of Provisional Release filed on 6 June 2005” dated 15 June 2005, whereby the

¹ Order on Provisional Release, p. 11.

² Motion, p. 3.

Prosecution does not oppose the variation of the conditions of provisional release if the Accused's stay at his parents' summer residence is limited to a period of one month;

NOTING that the most recent report of the Ministry of Justice of the Republic of Croatia and the local authorities in Zagreb shows that the Accused has complied so far with the conditions and obligations set out in the Order on Provisional Release;

CONSIDERING that the request to vary the conditions of the provisional release in order to visit his ailing father and brother can be characterised as a request on humanitarian grounds;

CONSIDERING that the Defence has submitted sufficient medical information regarding the health condition of the Accused's father and brother which would justify a limited modification of the conditions imposed upon the Accused;

FINDING that the Accused demonstrates that the modification of the Order for Provisional Release sought is justified to the extent that the temporary absence of the Accused from Zagreb is limited to seven days;

PURSUANT to Rules 54 and 65 of the Rules of Procedure and Evidence of the Tribunal;

HEREBY GRANTS the Motion in part and **ORDERS** that the conditions for provisional release of the Accused Jadranko Prlić be modified temporarily as set out below;

ALLOWS the Accused to travel, under escort but at his own costs, to his residence in Makarska, Croatia, and remain with his brother for a limited period of seven consecutive days, on the following conditions:

- 1) the Accused shall remain within the confines of the city of Makarska under escort by the local Police;
- 2) the Accused shall not have any contact whatsoever or in any way interfere with victims or potential witnesses during his absence from his residence in Zagreb;
- 3) the Accused shall not otherwise interfere in any way with the proceedings or the administration of justice, in particular by destroying evidence;
- 4) the Accused shall not discuss the case with anyone other than his counsel, and not have any contact with the media or with any other accused before this Tribunal;

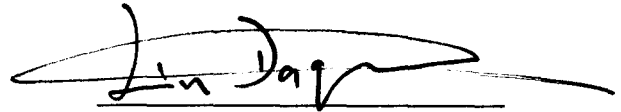
- 5) the Accused shall return directly and under escort to his residence in Zagreb upon completion of the visit;
- 6) the Accused shall comply with any additional measure imposed by the Government of the Republic of Croatia for the purpose of giving full effect to this Order;

REQUIRES the Government of the Republic of Croatia:

- 7) to escort the Accused to his temporary residence and back to his residence in Zagreb upon completion of the visit;
- 8) to cover the costs of the escort from and back to Zagreb;
- 9) to provide for the personal security and safety of the Accused during the travel;
- 10) to arrest the Accused immediately in case of any breach of or attempt to breach the terms of this Order and to report any such breach or attempt to the Chamber.

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

Dated this 1st day of July 2005
At The Hague, The Netherlands



Judge Liu Daqun
Presiding Judge, Trial Chamber 1

[Seal of the Tribunal]