



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 ĆORIĆ
BERISLAV PUŠIĆ**

**ORDER ON SLOBODAN PRALJAK'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. Bozidar Kovačić

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 Slobodan Praljak” (“Order on Provisional Release”) dated 30 July 2004, by which the Chamber provisionally released Slobodan Praljak (“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”;

NOTING “Slobodan Praljak’s Application for Variation of Conditions of Provisional Release”, filed partly confidentially on 17 May 2005 (“Motion”), whereby the Accused seeks permission to leave his residence in Zagreb, Croatia, to travel to and stay for two months in Pisak, Croatia, where he owns a cabin, and to daily commute to the city of Makarska, Croatia, where his brother is a dentist and would provide him dental treatment;

NOTING that the Defence for the Accused attaches confidential annexes in support of the Motion which show that the Accused suffers from various ailments and that the Government of Croatia would satisfy any conditions to be imposed on the Accused were he allowed to change his residence for two months;

NOTING that the Prosecution has not responded;

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 seek medical treatments can be characterised as a request on humanitarian grounds;

CONSIDERING that the Defence has submitted sufficient medical information 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 Slobodan Praljak be modified temporarily as set out below;

ALLOWS the Accused to travel under escort but at his own costs to Makarska and Pisak (Croatia) and remain there for a limited period of seven consecutive days, and to daily commute between Makarska and Pisak, Croatia, on the following conditions:

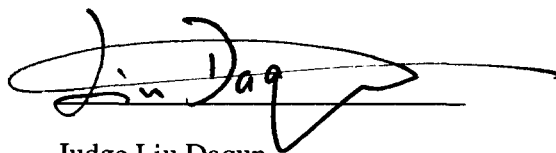
- 1) the Accused shall remain within the confines of the hamlet of Pisak and the city of Makarska under escort by the local Police;
- 2) the Accused shall not have any contact whatsoever or in any way interfere with victims or potential witnesses during his absence from his residence in Zagreb;
- 3) 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 to:

- 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

A handwritten signature in black ink, appearing to read 'Liu Daqun', written over a horizontal line. The signature is stylized and includes a large loop at the end.

Judge Liu Daqun
Presiding Judge, Trial Chamber 1

[Seal of the Tribunal]