



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-04-79-PT  
Date: 7 September 2005  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Kevin Parker, Presiding  
Judge Krister Thelin  
Judge Christine Van Den Wyngaert

**Registrar:** Mr. Hans Holthuis

**Decision of:** 7 September 2005

**PROSECUTOR**

v.

**MIĆO STANIŠIĆ**

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**DECISION ON MIĆO STANIŠIĆ'S URGENT  
MOTION FOR MODIFICATION OF  
CONDITIONS OF PROVISIONAL RELEASE**

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**The Office of the Prosecutor:**

Mr. Alan Tieger

**Counsel for the Accused:**

Mr. Branko Lukić

**TRIAL CHAMBER II** 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 (“Chamber”);

**NOTING** “Decision on Mićo Stanišić’s Motion for Provisional Release“ filed 19 July 2005 (“Provisional Release Decision”), whereby the Trial Chamber granted provisional release and ordered that the Accused “remain within the confines of the municipality of Belgrade”<sup>1</sup>;

**BEING SEIZED OF** “Mićo Stanišić’s Urgent Motion for Modification of Conditions of Provisional Release”, filed on 2 September 2005 by Counsel for Mićo Stanišić (“Motion” and “Accused” respectively), whereby the Accused requests a twenty-four hour modification of his conditions of provisional release to allow him to visit his mother’s grave on 12 September 2005 in Pale Municipality, Republika Srpska, Bosnia and Herzegovina;

**NOTING** “Suplement [sic] to Mićo Stanišić’s Urgent Motion for Modification of Conditions of Provisional Release” filed on 6 September 2005 by Counsel for the Accused, which contains Guarantees of the Government of Republika Srpska and the Guarantees of the Government of Republika Srpska, filed by the Minister Counsellor – Liaison Officer of Republika Srpska, on 7 September 2005;

**NOTING** “Prosecution’s Response to the Defence Urgent Motion for Modification of Conditions of Provisional Release”, filed on 6 September 2005, in which the Prosecution disagrees with some aspects of the Motion, but does not object to the request for modification provided that all other conditions of release remain in effect;

**CONSIDERING** that Rule 65(C) of the Rules of Procedure and Evidence (“Rules”) provides that “[t]he Trial Chamber may impose such conditions upon release of the accused as it may determine appropriate...”;

**CONSIDERING** that the Trial Chamber is of the view that the reason for the modification is valid;

**PURSUANT** to Rule 65 of the Rules

**GRANTS** the Motion and **ORDERS** that

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<sup>1</sup> Provisional Release Decision, para. 20(4)(c).

1. the Accused may reside in his mother's house in Ponor, Pale municipality, Republika Srpska, Bosnia and Herzegovina, on 12 September 2005 for a twenty-four hour period;
2. upon completion of the visit, he is returned directly to Belgrade whereupon the original conditions of release that he remain within the confines of the municipality of Belgrade shall apply;
3. all other conditions set out in the Provisional Release Decision are to remain in effect.

**REQUIRES** the Government of Republika Srpska to assume responsibilities as follows:

1. to designate an official of the Government of Republika Srpska into whose custody the Accused shall be transferred and who shall accompany the Accused from the border with Serbia and Montenegro and to his mother's house in Ponor, Pale municipality;
2. to notify, as soon as practicable, the Chamber and the Registrar of the Tribunal of the name of the designated officer;
3. for the personal security and safety of the Accused while in Republika Srpska;
4. for all expenses concerning the transport of the Accused while in Republika Srpska;
5. to arrest or detain the Accused immediately if he should breach any of the conditions of this order or should he attempt to escape; and
6. to report immediately to the Chamber any breach of the conditions set out.

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

Dated this seventh day of September 2005,

At The Hague

The Netherlands



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**Kevin Parker**  
**Presiding Judge**

**[Seal of the Tribunal]**