



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-04-74-T
Date: 13 June 2006
Original: FRENCH
English

TRIAL CHAMBER III

Before: Judge Jean Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel

Registrar: Mr Hans Holthuis

Decision of: 13 June 2006

THE PROSECUTOR

v.

Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ČORIĆ
Berislav PUŠIĆ

**ORDER ON THE URGENT MOTION FOR PROVISIONAL
RELEASE OF VALENTIN ČORIĆ**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Defence Counsel:

Mr Tomislav Jonjić for Valentin Čorić

The Government of the Republic of Croatia:

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

The Government of Bosnia and Herzegovina

Through: The Embassy of the Federation of Bosnia and Herzegovina, The Hague,
The Netherlands

TRIAL CHAMBER III (“the 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 Tribunal”),

SEIZED of the Urgent Motion for Permission to Attend Funeral (“the Motion”), filed partially confidentially by counsel for the Accused Valentin Ćorić (“the Defence for the Accused Ćorić”) under Rule 65 of the Rules on 12 June 2006 in which the Defence for the Accused Ćorić requests that the Accused Ćorić be provisionally released so that he may attend the funeral of his father, Mr. Andrija Ćorić, and to which two confidential annexes are attached,

CONSIDERING that in the Motion, the Defence for the Accused Ćorić explains that the funeral of the father of the Accused Ćorić will be held in Paoča in the municipality of Čitluk, Bosnia and Herzegovina on Wednesday 14 June at 17:00 hours,

CONSIDERING also that in the said Motion the Defence of the Accused Ćorić requests an extension of the stay of the Accused Ćorić in Paoča for an additional period of seven days so that he may provide support to his brothers and sisters,

CONSIDERING that the Accused has waived his right to be tried in person during the period of his provisional release and that he consents to being represented by his counsel during the proceedings,

CONSIDERING that the Office of the Prosecutor has been consulted and does not object to the Motion on the condition that the Accused Ćorić returns to the United Nations Detention Unit on 18 June 2006 at the latest,

CONSIDERING that under Rule 65 of the Rules of Procedure and Evidence (“the Rules”), the Chamber may order provisional release “if it is satisfied that the accused will appear for trial and, if released, will not pose a danger to any victim, witness or other person”,

CONSIDERING that the Accused respected all the conditions for his previous provisional release pursuant to the decisions of Trial Chamber I of 30 July 2004 and 30 November 2004,

CONSIDERING that on 7 and 9 June 2006 respectively, the Government of the Republic of Croatia and the Government of the Bosnia and Herzegovina provided the assurances required to guarantee that, should the Chamber grant provisional release to the Accused Ćorić in order for him to attend the funeral of his father, the local police of the respective territories will provide transport and an escort and will ensure the custody of the Accused Ćorić on their respective territory, that the Accused Ćorić will not evade justice and that the Accused Ćorić will return to the United Nations Detention Unit on the date and time ordered by the Chamber,

CONSIDERING that there is cause to grant the Motion partially for family reasons subject to the conditions and guarantees set out below:

FOR THE FOLLOWING REASONS**PURSUANT** to Rule 65 of the Rules,**PARTIALLY GRANTS** the Motion, and**ORDERS** the release of the Accused Ćorić under the following conditions:

1. The Accused Ćorić will travel from The Hague to Paoča in the municipality of Čitluk, Bosnia and Herzegovina on 14 June 2006 and will return from Paoča to The Hague on 18 June 2006.
2. The Dutch authorities will escort the Accused Ćorić to Schiphol Airport and, at the airport, the Accused Ćorić will be transferred to the official designated by the Government of the Republic of Croatia who will escort the Accused Ćorić during his travel in the Republic of Croatia until the border between the Republic of Croatia and the Federation of Bosnia and Herzegovina, will transfer the Accused Ćorić to the authorities of Bosnia and Herzegovina upon his arrival on the territory of Bosnia and Herzegovina and will escort him during his return from the border between the Republic of Croatia and the Federation of Bosnia and Herzegovina to the Kingdom of the Netherlands at the end of his stay in Paoča.
3. At the border between the Republic of Croatia and the Federation of Bosnia and Herzegovina, the Accused Ćorić will be transferred to an official designated by the Government of the Federation of Bosnia and Herzegovina who will escort the Accused Ćorić to Paoča in the municipality of Čitluk, will accompany the Accused Ćorić during his stay in Paoča and, at the end of his stay in Paoča, will transfer him to an official designated by the Government of the Republic of Croatia at the border between the Federation of Bosnia and Herzegovina and the Republic of Croatia.
4. During his return flight on 18 June 2006, the Accused Ćorić will be accompanied by the official designated by the Republic of Croatia who, at Schiphol Airport, will return the Accused Ćorić to detention by the Dutch authorities at a pre-set time and date who will then escort the Accused Ćorić back to the United Nations Detention Unit.
5. During the duration of his provisional release, the Accused Ćorić will respect the following conditions:
 - a. He will have no contact whatsoever with victims or potential witnesses and will not attempt to influence them in any manner.
 - b. He will discuss the case only with his counsel and will not contact the media,
 - c. He will comply strictly with any demand of the authorities of the Republic of Croatia and the Federation of Bosnia and Herzegovina so that they may respect their obligations under this Order.

d. He will comply strictly with any Order of the Trial Chamber modifying the conditions of his preliminary release or rescinding that release.

REQUESTS that the authorities of the Republic of Croatia, including the local police:

6. Ensure that the conditions imposed by the Chamber on the Accused Ćorić are respected,
7. Assume the costs for the transport of the Accused Ćorić between the territory of the Netherlands and the transfer of the Accused Ćorić to the authorities of the Federation of Bosnia and Herzegovina on his journey from and to that country,
8. Designate an official of the Croatian State to whom the Dutch authorities will transfer the custody of the Accused Ćorić at the time of his release at Schiphol Airport who will escort the Accused Ćorić during his travel in the Republic of Croatia until the border between the Republic of Croatia and the Federation of Bosnia and Herzegovina, will transfer him to the authorities of the Federation of Bosnia and Herzegovina upon his arrival on the territory of the Federation of Bosnia and Herzegovina, and who will escort him during his return from the border between the Republic of Croatia and the Federation of Bosnia and Herzegovina to the Kingdom of the Netherlands at the end of his stay in Paoča,
9. Ensure the personal safety and security of the Accused Ćorić during the journey,
10. Issue no new passport or document to the Accused Ćorić which would permit him to travel,
11. Immediately arrest the Accused Ćorić should he violate any of the conditions of his provisional release and inform the Chamber forthwith of that violation,

REQUESTS also that the authorities of the Federation of Bosnia and Herzegovina, including the local police:

12. Ensure that the conditions imposed by the Chamber on the Accused Ćorić are respected,
13. Assume the costs of the continuous surveillance of the Accused Ćorić and the costs of escorting him to and from the village of Paoča,
14. Designate an official of the Federation of Bosnia and Herzegovina to whom the official designated by the Government of the Republic of Croatia will transfer the custody of the Accused Ćorić at the time of his arrival on the territory of the Federation of Bosnia and Herzegovina, who will escort the Accused Ćorić to Paoča in the municipality of Čitluk, will accompany the Accused Ćorić during his stay in Paoča and, at the end of his stay in Paoča, will transfer the Accused Ćorić to an official designated by the Government of the Republic of Croatia at the border between the Federation of Bosnia and Herzegovina and the Republic of Croatia,

15. Ensure the personal safety and security of the Accused Čorić during the journey,
16. Issue no new passport or document to the Accused Čorić which would permit him to travel,
17. Immediately arrest the Accused Čorić should he violate any of the conditions of his provisional release and inform the Chamber forthwith of that violation,

REQUESTS that the Registrar of the Tribunal:

18. Consult with the Ministry of Justice of the Kingdom of the Netherlands in respect of the practical arrangements for the release of the Accused Čorić,
19. Hold the Accused Čorić in detention until the measures required for his travel have been taken,
20. Transmit this Order to the appropriate authorities,

REQUESTS that the Dutch authorities:

21. Take the Accused to Schiphol Airport,
22. At Schiphol Airport, transfer the Accused to the official designated by the Republic of Croatia,
23. Take custody of the Accused upon his return at the place, date and time to be set by the Chamber and return him to the United Nations Detention Unit,

REQUESTS that the authorities of the transit States:

24. Ensure that the Accused remains in custody while in transit to the airport,
25. Arrest the Accused should he attempt to escape and detain him until his transfer to the United Nations Detention Unit.

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

Done this thirteenth day of June 2006

At The Hague

The Netherlands

Jean-Claude Antonetti,
Presiding Judge

[SEAL OF THE TRIBUNAL]