



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: 26 June 2006
Original: ENGLISH
French

IN THE TRIAL CHAMBER

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

Registrar: Mr Hans Holthuis

Decision of: 26 June 2006

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

CONFIDENTIAL

**DECISION ON MOTION FOR PROVISIONAL RELEASE OF THE
ACCUSED ĆORIĆ**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Counsel for the Accused:

Mr Tomislav Jonjić for Valentin Ćorić

The Republic of Croatia

TRIAL CHAMBER III (“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”);

BEING SEIZED OF the partly confidential “The Accused Valentin Ćorić’s Application for Provisional Release” and its three confidential annexes filed on 1 June 2006 (“Valentin Ćorić’s Application”) by Counsel for the Accused Valentin Ćorić (“Defence for the Accused Ćorić”) whereby the Defence for the Accused Ćorić requests, for humanitarian reasons, the provisional release of the Accused Valentin Ćorić (“Accused Ćorić”) to Zagreb, Republic of Croatia, and to Paoča, municipality of Čitluk, Bosnia and Herzegovina, for a period of three weeks as of 14 July 2006;

NOTING the confidential “Prosecution Response to Defence Applications for Provisional Release during Summer Recess” filed on 15 June 2006 (“Prosecution Response”) by the Office of the Prosecutor (“Prosecution”);

NOTING the confidential “Supplement to the Accused Valentin Ćorić’s Application for Provisional Release” filed on 20 June 2006 (“Supplemental Application”) by the Defence for the Accused Ćorić whereby the Defence for the Accused Ćorić submits new reasons in support of its application for the provisional release of the Accused Ćorić in light of mind his father’s death on 12 June 2006 and informs the Chamber that the Accused Ćorić waives his initial request to travel to Paoča, Bosnia and Herzegovina, but maintains his request to travel to Zagreb;

NOTING the confidential “Additional Information to the Accused Valentin Ćorić’s Application for Provisional Release” filed on 21 June 2006 (“Additional Information”) by the Defence for the Accused Ćorić whereby the Defence for the Accused Ćorić disclosed to the Chamber an annex to the Supplemental Application;

CONSIDERING that in support of its Application and Supplemental Application the Defence for the Accused Ćorić submits that: 1) Valentin Ćorić surrendered voluntarily to the Tribunal;¹ 2) while on earlier release the Accused Ćorić fully complied with the

¹ Valentin Ćorić’s Application, para. 1.

conditions imposed by the Trial Chamber in its decisions on provisional release;² 3) in its letter of 22 May 2006 the Government of the Republic of Croatia pledged that the Accused Čorić would comply with the conditions imposed by the Tribunal should the application for provisional release be granted by the Chamber and guaranteed that the Accused Čorić would return to The Hague at the request of the Chamber;³ 4) the Accused Čorić personally pledged to fully comply with all the conditions of provisional release imposed by the Tribunal;⁴ and 5) following the recent death of his father, the Accused Čorić wishes to share his grief with his family;⁵

CONSIDERING that in its Response the Prosecution opposes the motions for provisional release of all the accused primarily because the reasons given by the accused in support of their motions do not constitute humanitarian grounds for release;⁶

CONSIDERING alternatively that should the Chamber grant the motions, the Prosecution requests that: 1) the accused be prohibited from entering and travelling in Bosnia and Herzegovina; and 2) the accused be prohibited from having any contact with any witness, potential witness or victim;⁷

CONSIDERING that pursuant to Rule 65 of the Rules of Procedure and Evidence (“Rules”) the Chamber may order provisional release “only 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 Čorić, while on earlier releases, complied with all the conditions imposed by Trial Chamber I in its order dated 30 July 2004⁸ and confidential decisions dated 30 November 2004,⁹ 9 March 2005,¹⁰ 17 May 2005,¹¹ 15

² Valentin Čorić’s Application, paras. 4-8.

³ Valentin Čorić’s Application, para. 11; Confidential Annex 2 to Valentin Čorić’s Application.

⁴ Valentin Čorić’s Application, para. 15.

⁵ Supplemental Application, paras. 5-7; Annex to Additional Information.

⁶ Prosecution Response, para. 5.

⁷ Prosecution Response, para. 6.

⁸ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Order on Provisional Release of Valentin Čorić, 30 July 2004.

⁹ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Order on Valentin Čorić’s Application for Variation of Conditions of Provisional Release, 30 November 2004 (confidential).

¹⁰ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Čorić’s Second Application for Variation of Conditions of Provisional Release, 9 March 2005 (confidential).

¹¹ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Čorić’s Urgent Motion for Variation of Conditions of Provisional Release, 17 May 2005 (confidential).

July 2005¹² and 7 October 2005,¹³ and more recently the Chamber's confidential order of 13 June 2006;¹⁴

CONSIDERING that the host country has not objected to any provisional release proceedings;¹⁵

CONSIDERING that in its letter of 22 May 2006 the Government of the Republic of Croatia provided guarantees to the effect that the Accused Čorić would return to The Hague and would not abscond if released;

CONSIDERING further that the Republic of Croatia has undertaken to cover the transport costs of the Accused Čorić from The Netherlands to Zagreb and back;

CONSIDERING that the Accused Čorić pledges to fully comply with all the conditions for provisional release imposed by the Tribunal;

CONSIDERING in addition that, given the Accused's appropriate behaviour on previous occasions, the Chamber is satisfied that, if released, the Accused Čorić will not pose a danger to any victim, witness or other person;

CONSIDERING that the Chamber will adjourn proceedings for the summer recess and that the presence of the Accused Čorić will therefore not be required in court;

CONSIDERING that the application for provisional release submitted by the Accused Čorić to visit his closest family following his father's death may be considered as a request based on humanitarian grounds and may warrant the granting of provisional release for a limited period of time;

CONSIDERING that the conditions set out in Rule 65 of the Rules have been met;

CONSIDERING, however, that the period of provisional release should be limited to nine days, including travel;

¹² *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Čorić's Fourth Revised Motion for Variation of Conditions of Provisional Release, 15 July 2005 (confidential).

¹³ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision to Grant Valentin Čorić's Fifth Application for Variation of Conditions of Provisional Release, 7 October 2005 (confidential).

¹⁴ Order on the Urgent Motion for Provisional Release of Valentin Čorić, 13 June 2006 (confidential).

¹⁵ See Ministry of Foreign Affairs letter of 13 June 2006.

CONSIDERING that such a short visit will enable the police authorities of the Republic of Croatia to carry out effective surveillance of the Accused Čorić, thereby providing an additional guarantee that he will appear for trial after the summer recess;

CONSIDERING that the Chamber is of the opinion that during his stay in his country the Accused Čorić must be under continuous surveillance by the authorities of the Republic of Croatia in order to guarantee his own safety and appearance for trial;

CONSIDERING further that in order to facilitate the surveillance as ordered, the Chamber has decided that wherever possible the accused will be released in succession;

CONSIDERING therefore that the Accused Čorić will be released from 23 July 2006 to 31 July 2006;

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 65 of the Rules

GRANTS Valentin Čorić's Application in part; and

ORDERS the provisional release of the Accused Čorić from 23 July 2006 to 31 July 2006 under the following conditions:

ORDERS the Accused Čorić:

- 1) upon arrival to submit to surveillance by the authorities of the Republic of Croatia under the conditions set out below;
- 2) to remain within the confines of Zagreb, Republic of Croatia;
- 3) to surrender his passport to the Ministry of the Interior of the Republic of Croatia;
- 4) within one day of his arrival, to provide the address at which he will be staying to the Ministry of the Interior and to the Registrar of the Tribunal and to advise them of any change of address within one day of such change;
- 5) not to have any contact whatsoever or in any way interfere with victims or potential witnesses;

- 6) not to interfere in any way with the proceedings or the good administration of justice, in particular by destroying evidence;
- 7) not to discuss the case except with his Counsel and not to have contact with the media;
- 8) to have no contact with any other accused before the Tribunal;
- 9) to comply strictly with any requirements of the authorities of the Republic of Croatia to enable them to comply with their obligations under this order and their guarantees;
- 10) to return to the Tribunal on 31 July 2006;
- 11) to comply strictly with any further order of the Chamber varying the terms of, or terminating the provisional release;
- 12) not to act in any official function in the Republic of Croatia;

REQUIRES the Government of the Republic of Croatia, including the local police:

- 1) to ensure compliance with the conditions imposed on the Accused Ćorić by the Trial Chamber;
- 2) to ensure that the transport costs of the Accused Ćorić from The Netherlands to his place of residence and back are covered;
- 3) to designate an official of the Republic of Croatia into whose custody the Dutch authorities will release the Accused Ćorić at Schiphol Airport (or any other airport in The Netherlands) and who will escort the Accused Ćorić during the rest of his journey to his place of temporary residence;
- 4) to ensure that an official designated by the Republic of Croatia shall escort the Accused Ćorić on his return flight to the Kingdom of The Netherlands at the end of his provisional release and hand over the Accused Ćorić to the Dutch authorities in the Kingdom of The Netherlands at such time and place to be determined by the Trial Chamber;

- 5) to facilitate, at the request of the Trial Chamber or the parties, all forms of cooperation and communication between the parties and to guarantee the confidentiality of any such communication;
- 6) not to issue a new passport or travel document to the Accused Čorić for any travel purposes;
- 7) to submit the Accused Čorić to continuous physical surveillance during his stay;
- 8) to guarantee the personal safety and security of the Accused Čorić for the duration of his provisional release;
- 9) to immediately inform the Registrar of the Tribunal of the nature of any threat to the safety of the Accused Čorić and to submit to the Registrar full reports on the investigations carried out to this effect;
- 10) to immediately detain the Accused Čorić should he breach any of the conditions of his provisional release and to immediately report any such breach to the Trial Chamber;

REQUESTS the Registrar of the Tribunal:

- 1) to consult with the Ministry of Justice of The Netherlands as to the practical arrangements for the release of the Accused Čorić;
- 2) to hold the Accused Čorić in detention while the necessary arrangements are being made for his journey;
- 3) to forward this Decision to the competent authorities;

REQUESTS the Dutch authorities:

- 1) to transport the Accused Čorić to Schiphol Airport (or any other airport in the Kingdom of The Netherlands) as soon as possible;
- 2) at the airport, to release the Accused Čorić into the custody of the official designated by the Government of the Republic of Croatia;

3) upon his return, to take the Accused Čorić into their custody at such time and place to be determined by the Trial Chamber and to transport him to the United Nations Detention Unit;

REQUESTS the authorities of all States through which the Accused will travel:

- 1) to hold the Accused Čorić in custody for any time he will spend in transit at the airport;
- 2) to arrest and detain the Accused Čorić pending his return to the United Nations Detention Unit should he attempt to escape.

DECIDES that this Decision shall be rendered public only after the return of the sixth and last accused to the United Nations Detention Unit.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twenty-sixth day of June 2006
At The Hague
The Netherlands

[Seal of the Tribunal]