



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: 11 June 2007
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Decision of: 11 June 2007

THE PROSECUTOR

v.

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

CONFIDENTIAL ANNEX

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

The Office of the Prosecutor:

Mr Kenneth Scott

Counsel for the Accused:

Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec 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”),

SEIZED of “Valentin Ćorić’s Motion for Provisional Release During Summer Recess” and its two annexes, filed confidentially by Counsel for the Accused Valentin Ćorić (“Defence for the Accused Ćorić”) on 15 May 2007 (“Accused Ćorić’s Motion”), whereby the Defence for the Accused Ćorić requests, for humanitarian reasons, his provisional release to Bosnia and Herzegovina or, in the alternative, to the Republic of Croatia during the summer judicial recess,

NOTING the “Prosecution Consolidated Response to Defence Applications for Provisional Release During Summer Holiday” and its two annexes, filed confidentially by the Prosecution on 1 June 2007 (“Response”),

CONSIDERING that in support of its Motion, the Defence for the Accused Ćorić submits that: (1) Valentin Ćorić surrendered voluntarily to the Tribunal; (2) while on earlier release the Accused Ćorić fully complied with the conditions imposed by the Trial Chamber in its decisions on provisional release; (3) in two letters dated 2 and 4 May 2007, respectively, the authorities of Bosnia and Herzegovina and of the Republic of Croatia pledged that the Accused Ćorić 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 Ćorić would return to The Hague at the request of the Chamber; (4) the Accused Ćorić personally pledged to fully comply with all the conditions of provisional release imposed by the Tribunal, and finally (5) the Accused Ćorić wishes to visit his family, in particular his spouse and five-year-old daughter, and undergo some medical tests,

CONSIDERING that in its Response, the Prosecution again opposes the provisional release of all the Accused because none of the reasons given by the Accused in support of their motions for provisional release constitute humanitarian grounds for release,

CONSIDERING alternatively that should the Chamber grant the Accused Ćorić's Motion, the Prosecution requests that: (1) the Accused Ćorić be prohibited from setting foot or travelling in Bosnia and Herzegovina; (2) the Accused Ćorić be prohibited from having any contact with any witness, potential witness or victim; (3) the Accused Ćorić be prohibited from discussing the case with anyone other than his Counsel and from having any contact with the media, and (4) the period of provisional release be significantly reduced,

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 Ćorić, while on earlier releases, complied with all the conditions imposed by the Trial Chambers in their order dated 30 July 2004¹ and confidential decisions dated 30 November 2004,² 9 March 2005,³ 17 May 2005,⁴ 15 July 2005,⁵ 7 October 2005,⁶ 13 June 2006,⁷ 26 June 2006,⁸ and 8 December 2006,⁹

CONSIDERING that the host country has not objected to any provisional release proceedings,¹⁰

CONSIDERING that in its letter of 4 May 2007, the authorities of the Republic of Croatia pledged that the Accused Ćorić would comply with the conditions imposed by the Tribunal should the application for provisional release be granted by the Chamber

¹ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Order on Provisional Release of Valentin Ćorić, 30 July 2004.

² *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Order on Valentin Ćorić's Application for Variation of Conditions of Provisional Release, 30 November 2004 (confidential).

³ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Ćorić's Second Application for Variation of Conditions of Provisional Release, 9 March 2005 (confidential).

⁴ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Ćorić's Urgent Motion for Variation of Conditions of Provisional Release, 17 May 2005 (confidential).

⁵ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Ćorić's Fourth Revised Motion for Variation of Conditions of Provisional Release, 15 July 2005 (confidential).

⁶ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision to Grant Valentin Ćorić's Fifth Application for Variation of Conditions of Provisional Release, 7 October 2005 (confidential).

⁷ Order on the Urgent Motion for Provisional Release of Valentin Ćorić, 13 June 2006 (confidential).

⁸ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-T, Decision on Motion for Provisional Release of the Accused Ćorić, 26 June 2006.

⁹ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-T, Decision on the Motion for Provisional Release of the Accused Ćorić, 8 December 2006.

¹⁰ See letter from the Ministry of Foreign Affairs dated 23 May 2007.

and guaranteed that the Accused Čorić would return to The Hague at the request of the Chamber,

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 while on earlier provisional release, 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 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 provisional release of the Accused Čorić should be limited to the territory of the Republic of Croatia,

CONSIDERING in addition that the provisional release should be limited to a short period, including return travel,

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 judicial recess,

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

CONSIDERING therefore that the Accused Čorić will be provisionally released during the dates and subject to the conditions set out in the confidential annex to this decision,

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 65 of the Rules,

GRANTS Valentin Ćorić's Motion in part,

JUDGE ANTONETTI appending a partially dissenting opinion as regards the partly confidential nature of the present decision and,

ORDERS the provisional release of the Accused Ćorić during the dates and subject to the conditions set out in the confidential annex to this decision.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this eleventh day of June 2007
At The Hague
The Netherlands

[Seal of the Tribunal]