



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 STOJIĆ**

The Office of the Prosecutor:

Mr Kenneth Scott

Counsel for the Accused:

Ms Senka Nožica and Mr Peter Murphy for Bruno Stojić

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 the “Motion of Bruno Stojić for Period of Provisional Release on Humanitarian Grounds During 2007 Summer Recess” and its three confidential annexes, filed confidentially by Counsel for the Accused Bruno Stojić (“Defence for the Accused Stojić”) on 23 May 2007 (“Accused Stojić’s Motion”), whereby the Defence for the Accused Stojić requests his provisional release 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 Stojić submits that: (1) the Accused Stojić surrendered voluntarily to the Tribunal; (2) while on earlier release the Accused Stojić fully complied with the conditions imposed by the Trial Chamber in its decisions on provisional release; (3) in a letter of 3 May 2007, the Government of the Republic of Croatia pledged that the Accused Stojić 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 Stojić would return to The Hague at the request of the Chamber; (4) the Accused Stojić personally pledged to fully comply with all the conditions of provisional release imposed by the Tribunal, and finally (5) the Accused Stojić’s presence would be beneficial to his spouse, his brother and his parents, aged 76, who all suffer from ill health,

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 Stojić's Motion, the Prosecution requests that: (1) the Accused Stojić be prohibited from setting foot or travelling in Bosnia and Herzegovina, (2) the Accused Stojić be prohibited from having any contact with any witness, potential witness or victim; (3) the Accused Stojić 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 Stojić, while on earlier release, complied with all the conditions imposed by the Pre-Trial Chamber in its order dated 30 July 2004¹ and the Chamber in its decisions dated 26 June 2006² and 8 December 2006,³

CONSIDERING that the host country has not objected to any provisional release proceedings,⁴

CONSIDERING that in its letter of 3 May 2007, the Government of the Republic of Croatia provided guarantees to the effect that the Accused would return to The Hague and would not abscond,

CONSIDERING that the Accused Stojić 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 Stojić will not pose a danger to any victim, witness or other person,

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

² *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-T, Decision on Motion for Provisional Release of the Accused Stojić, 26 June 2006.

³ *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-T, Decision on the Motion for Provisional Release of the Accused Stojić, 8 December 2006.

⁴ See letter from the Ministry of Foreign Affairs dated 25 May 2007.

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

CONSIDERING that the application for provisional release submitted by the Accused Stojić to visit his ailing spouse, brother and parents may be considered as a request based on humanitarian grounds,

CONSIDERING that the Defence for the Accused Stojić submitted medical certificates to the effect that his spouse, brother and parents are ill,

CONSIDERING that a visit by the Accused Stojić might help his wife, brother and parents in their hour of need,

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

CONSIDERING, however, 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 Stojić 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 Stojić 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 Stojić 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 Bruno Stojić's Motion,

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 Stojić 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]