



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-03-69-PT

Date: 19 July 2007

Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Krister Thelin
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision of: 19 July 2007

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON JOVICA STANIŠIĆ'S REQUEST FOR TEMPORAL MODIFICATION OF
PROVISIONAL RELEASE CONDITIONS**

The Office of the Prosecutor

Ms. Brehmeier-Metz
Mr. Gregory Townsend

Counsel for Jovica Stanišić

Mr. Geert-Jan Alexander Knoops
Mr. Wayne Jordash

Counsel for Franko Simatović

Mr. Zoran Jovanović

TRIAL CHAMBER III of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the Territory of the Former Yugoslavia since 1991 (“International Tribunal”),

BEING SEISED OF the “Defence request for temporal modification of provisional release conditions with respect to the Accused’s request to visit Accused’s father”, filed on 3 July 2007 by Jovica Stanišić (“Accused”), whereby the Accused requests a variation of the provisional release conditions currently in force, from 22 July 2007 to 5 August 2007, in order to allow him to visit his father in the village of Nestin in the Municipality of Backa Palanka (“Request”);

NOTING the “Decision on Provisional Release” of 28 July 2004 (“Decision of 28 July 2004”), whereby the Trial Chamber granted provisional release to the Accused and ordered that he remain within the confines of the Municipality of Belgrade;¹

NOTING the response filed by the Office of the Prosecutor (“Prosecution”) on 17 July 2007,² in which the Prosecution reincorporates its argument made on 1 September 2006 that the guarantees given by the Republic of Serbia, pertaining to the surveillance and security of the Accused, lack specificity;³

NOTING the Decision issued by the Trial Chamber on 4 September 2006, granting the Accused’s previous request to visit his father in Backa Palanka for a duration of 10 days;⁴

CONSIDERING that the guarantees from the Government of the Republic of Serbia covering the provisional release of the Accused in the Municipality of Backa Palanka in the period from 22 July 2007 to 5 August 2007 include (a) the escort of the Accused to and from Nestin by an official vehicle accompanied by authorised officials and (b) an every day surveillance and security of the Accused, whilst in Nestin, by authorised officials of the Police of Backa Palanka;⁵

¹ Decision of 28 July 2004, para. 43.

² Prosecution Response to Stanišić’s Defence Request for Modification of Provisional Release Conditions with respect to the Accused’s Request to Visit Accused’s Father, 17 July 2007.

³ Prosecution response to Stanisic re-filing of defence request for modification of provisional release conditions, 1 September 2006.

⁴ Decision on the Re-Filing of the Request of Defence of Jovica Stanišić for Temporal Modification of Provisional release, 4 September 2006.

⁵ Confidential Exhibit 1 to Request, 3 July 2007.

CONSIDERING that the Accused thus far has complied with the conditions and obligations set out in the Decision of 28 July 2004 and has indicated his intention to abide by any condition the Trial Chamber deems appropriate;⁶

CONSIDERING that sufficient reasons have been shown to warrant a temporary modification of the conditions of the Accused's provisional release;

CONSIDERING that the Accused should be required to report daily to the police station in Backa Palanka;

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 65 of the Rules of Procedure and Evidence,

HEREBY GRANTS the Request; and

(1) **ORDERS** as follows:

(a) for the period from 22 July 2007 to 5 August 2007, the Accused may leave the Municipality of Belgrade for Nestin, in the Municipality of Backa Palanka, for the purpose of visiting his father,

(b) during his period of temporary absence from the Municipality of Belgrade, and for the entire duration of his stay in Nestin, the Accused shall report each day to the police station at Backa Palanka.

(2) **DIRECTS** the Government of the Republic of Serbia, to assume responsibility, in light of the temporary modification of the provisional release conditions of the Accused, by designating the officials who shall escort the Accused from (i) the Municipality of Belgrade to Nestin in the Municipality of Backa Palanka; and from (ii) Nestin in the Municipality of Backa Palanka to the Municipality of Belgrade.

(3) **DIRECTS** the Government of the Republic of Serbia to assume responsibility, during the presence of the Accused in Nestin, Municipality of Backa Palanka, as follows:

⁶ Request, para. 13.

- (a) by ensuring the personal security and safety of the Accused,
- (b) by covering all expenses concerning the transport of the Accused while in Nestin, Municipality of Backa Palanka,
- (c) by facilitating all means of cooperation and communication between the parties, at the request of the Trial Chamber or the parties, and by ensuring the confidentiality of any such communication,
- (d) by submitting a written report to the Trial Chamber on the compliance of the Accused with his provisional release conditions as set forth in the Decision of 28 July 2004 and the present decision,
- (e) by immediately arresting and detaining the Accused if he should breach any of his provisional release conditions as set forth in the Decision of 28 July 2004 and the present decision, and
- (f) by reporting immediately to this Trial Chamber any breach of the Accused's provisional release conditions as set forth in the Decision of 28 July 2004 and the present decision.

(4) **INSTRUCTS** the Registrar of the International Tribunal to serve this Order on the Government of the Republic of Serbia and to re-serve on this Government the Decision on Provisional Release of 28 July 2004 setting out the conditions of the provisional release of the Accused.

This Decision does not affect the continuing application of the terms and conditions of the Accused's provisional release, as set forth in the Decision of 28 July 2004, except to the extent specified in paragraphs (1) through (3) above.

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



Judge Patrick Robinson
Presiding

Dated this nineteenth day of July 2007
At The Hague
The Netherlands

[Seal of the Tribunal]