



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
former Yugoslavia since 1991

Case No. IT-04-81-PT
Date: 13 August 2007
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Iain Bonomy, Duty Judge

Registrar: Mr. Hans Holthuis

Decision: 13 August 2007

PROSECUTOR

v.

MOMČILO PERISIĆ

PUBLIC

**DECISION ON URGENT REQUEST FOR ALTERATION OF
CONDITIONS OF PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Mark B. Harmon
Ms. Susan L. Somers

Counsel for the Accused:

Mr. James Castle
Mr. Novak Lukić

Republic of Serbia

I, IAIN BONOMOY, acting in my capacity as DUTY JUDGE 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”) am seised of an “Urgent Request for Alteration of Conditions of Provisional Release”, filed by Momčilo Perišić (“Accused”) on 13 August 2007 (“Motion”), seeking a modification of the terms of his provisional release, and hereby renders my decision (“Decision”) thereon.

1. In its “Decision on Seventh Request for Alteration of Conditions of Provisional Release”, issued 6 June 2007, the Trial Chamber ordered that the Accused had permission to visit his family, the graves of his close family members, and his brother at 32308 Pranjani, Koštunići, municipality of Gornji Milanovac, Republic of Serbia on (a) 15–30 June 2007, (b) 15–30 July 2007, and (c) 15–30 August 2007.

2. In the Motion, the Accused informs the Chamber that his brother passed away on 11 August 2007 and that the funeral is scheduled for 13 August 2007 in Koštunići – today. The Accused therefore seeks permission to leave two days early for Koštunići to attend his brother’s funeral.¹ The Accused avers that he has contacted the Serbian authorities, which have agreed to supervise his travel and his residence in Koštunići under the same terms and conditions as previously imposed.

3. The Prosecution has indicated that it does not oppose the Motion.

4. Rule 28(D)(ii) of the Rules of Procedure and Evidence (“Rules”) provides that, where an application is made within the normal Registry hours and the Trial Chamber is unavailable, it shall be dealt with by the Duty Judge if he or she is satisfied as to its urgency, or that it is otherwise appropriate to do so in the absence of the Trial Chamber. Considering that the Accused’s brother’s funeral is scheduled for today and the Accused must therefore travel today to attend the funeral, I consider that the Motion is urgent, and, given that the Trial Chamber is unavailable, I am competent to dispose of it in my capacity as the Duty Judge.

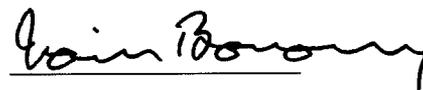
5. Based upon the past history of the Accused’s provisional release and the lack of opposition from the Prosecution, I consider that sufficient reasons have been given, and sufficient guarantees have been provided, to warrant the temporary modification of the conditions of the Accused’s provisional release.

¹ The details of the modification are set forth in the Motion.

6. For these reasons, I, pursuant to Rules 54 and 65 of the Rules, hereby **GRANT** the Motion and **ORDER** as follows:

- (a) The Accused may travel two days early, *i.e.*, today, 13 August 2007, in order to attend his brother's funeral, as set forth in the Motion.
- (b) The Accused shall provide details of this visit to the Ministry of the Interior of the Republic of Serbia as soon as is practicable.
- (c) The Government of the Republic of Serbia shall (i) submit a written report to the Trial Chamber on the compliance of the Accused with his provisional release conditions as set forth in the Trial Chamber's Decision of 9 June 2005 and this Decision; (ii) immediately arrest and detain the Accused if he should breach any of his provisional release conditions as set forth in the Trial Chamber's Decision of 9 June 2005 and this Decision; and (iii) immediately report to the Trial Chamber any breach of his provisional release conditions as set forth in the Trial Chamber's Decision of 9 June 2005 and this Decision.
- (d) Nothing in this Decision should be read as altering the terms and conditions of the Accused's provisional release contained in the Trial Chamber's Decision of 9 June 2005, save as provided for in this Decision.
- (e) The Trial Chamber requests that the Registrar serve this Decision on the Government of the Republic of Serbia.

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



Judge Iain Bonomy
Duty Judge

Dated this thirteenth day of August 2007
At The Hague,
The Netherlands