



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:

11 Sept. 2007

Original:

English

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Decision:** 11 September 2007

**PROSECUTOR**

v.

**MOMČILO PERISIĆ**

*PUBLIC FILING*

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

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**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**

**THIS TRIAL 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”) is seized of a motion filed by Counsel for Momčilo Perišić (“Counsel” and “Accused”, respectively) seeking a modification of the terms of provisional release and hereby renders a decision (“Decision”) thereon.

1. On 24 August 2007, Counsel filed the “Request for Alteration of Conditions of Provisional Release with Confidential Annex A” (“Motion”), in which he requests modification of the condition of the Accused’s provisional release that requires the Accused to remain within the confines of the municipality of Belgrade.<sup>1</sup> Specifically, Counsel requests permission for the Accused to travel to Koštunići, a town in Serbia approximately 130 km south of Belgrade, on the following dates: (i) 15-30 September 2007, (ii) 15-30 October 2007, (iii) 15-30 November 2007.<sup>2</sup> The Accused wishes to “travel to Koštunići . . . to visit his brother’s grave and take care of his brother’s home. Further the Accused would like to arrange the necessary documentation and proceedings related to the deceased”<sup>3</sup> referring to the Accused’s brother who died on 11 August 2007.
2. Counsel notes that the Accused has previously sought permission seven times from the Trial Chamber for a modification of the conditions of his provisional release, and that those requests were granted.<sup>4</sup>
3. Counsel also submits that the Accused has fully complied with the Chamber’s previous orders pertaining to his stay in Koštunići. Counsel attaches to the Motion a confidential annex containing correspondence from the Ministry of Justice of the Republic of Serbia dated 13 August 2007. Counsel states that the Ministry of Justice of the Republic of Serbia fully supports the request of the Accused and indicates that their correspondence also reflects information from the Ministry of the Interior of the Republic of Serbia confirming that the Accused has fully complied with the terms and orders of the Chamber.<sup>5</sup>
4. The Trial Chamber notes that the Prosecution has not responded to the Motion.

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<sup>1</sup> *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-PT, Decision on Momčilo Perišić’s Motion for Provisional Release, 9 June 2005.

<sup>2</sup> Motion, para. 13 (b).

<sup>3</sup> Motion, para. 11.

<sup>4</sup> Motion, para. 2.

<sup>5</sup> Motion, para. 12.

5. The Trial Chamber considers that sufficient reasons have been given, and sufficient guarantees provided, to warrant the temporary modification of the conditions of the Accused's provisional release.
6. For these reasons, the Trial Chamber, pursuant to Rules 54 and 65 of the Rules of Procedure and Evidence of the Tribunal, **GRANTS** the Motion and **ORDERS** that:
  - (a) The Accused has permission to visit his family in Koštunići, municipality of Gornji Milanovac, Republic of Serbia, the graves of his close family members there, and the home of his recently deceased brother at 32308 Pranjani, Koštunići, municipality of Gornji Milanovac, Republic of Serbia on (i) 15-30 September 2007, (ii) 15-30 October 2007, and (iii) 15-30 November 2007.
  - (b) The Accused shall provide details of each visit (including the dates of travel and a copy of this Decision granting permission for the visit) to the Ministry of the Interior of the Republic of Serbia at a sufficient time in advance of the departure date of each visit.
  - (c) The Government of the Republic of Serbia shall (i) between 15 September 2007 and 30 November 2007 submit a written report to the Trial Chamber every two weeks on the compliance of the Accused with his provisional release conditions as set forth in this 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 this Trial Chamber's Decision of 9 June 2005 and this Decision; and (iii) immediately report to this Trial Chamber any breach of his provisional release conditions as set forth in this Trial Chamber's Decision of 9 June 2005 and this Decision.
7. 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 in paragraph 6 above.
8. 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.



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Judge Patrick Robinson  
Presiding

Dated this 11th day of September 2007  
At The Hague,  
The Netherlands

**[Seal of the Tribunal]**