



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: 19 February 2008  
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:** 19 February 2008

**THE PROSECUTOR**

v.

Jadranko PRLIĆ  
Bruno STOJIĆ  
Slobodan PRALJAK  
Milivoj PETKOVIĆ  
Valentin ČORIĆ  
Berislav PUŠIĆ

***PUBLIC WITH CONFIDENTIAL ANNEX***

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

**The Office of the Prosecutor:**

Mr Kenneth Scott  
Mr Douglas Stringer

**Counsel for the Accused:**

Ms Senka Nožica and Mr Karim A. A. Khan 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 Provisional Release on Humanitarian Grounds”, filed confidentially by Counsel for the Accused Bruno Stojić (“Defence for the Accused Stojić”) on 30 January 2008 (“Motion”), in which the Defence for the Accused Stojić requests, for humanitarian reasons, his provisional release to the Republic of Croatia during the adjournment of the trial for as long as the Chamber deems appropriate, to which two confidential annexes are attached,

**NOTING** the “Prosecution Consolidated Response to Defence Applications for Provisional Release of the Accused Prlić, Stojić, Praljak, Petković and Čorić Prior to the Defence Case”, filed confidentially by the Office of the Prosecutor (“Prosecution”) on 5 February 2008 (“Response”),

**NOTING** the “Joint Notice of Waiver of Right to Attend Status Conferences”, filed confidentially by Counsel for the Accused Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković and Valentin Čorić (“Accused”) on 11 February 2008, in which the Accused renounce their right to be present at two meetings scheduled by the Chamber pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“Rules”),

**CONSIDERING** that in support of the Motion, the Defence for the Accused Stojić submits that: (1) the Accused Stojić surrendered voluntarily to the Tribunal; (2) the Accused Stojić has been on previous provisional release and fully complied with the conditions imposed by the Trial Chamber in its decisions on provisional release; (3) the Government of the Republic of Croatia pledges that the Accused Stojić will comply with the conditions imposed by the Tribunal should the application for provisional release be granted by the Chamber, and guarantees that the Accused Stojić will return to The Hague at the request of the Chamber; (4) the Accused Stojić wishes to visit with his entire family, and finally (5) because his spouse, brother and parents all suffer from ill health, the presence of the Accused Stojić may be beneficial to them,

**CONSIDERING** that in the Response, the Prosecution opposes the provisional release of all the Accused on the ground that the periods they have requested are excessive and 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 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 witnesses or victims; (3) the Accused Stojić be prohibited from discussing the case with anyone other than his Counsel; (4) the Accused Stojić be prohibited from having any contact with the media, and finally (5) the provisional release not be granted prior to the oral decision rendered pursuant to Rule 98 *bis*,

**CONSIDERING** that pursuant to Rule 65 of the 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 2004<sup>1</sup> and the Chamber in its decisions dated 26 June 2006,<sup>2</sup> 8 December 2006,<sup>3</sup> 11 June 2007,<sup>4</sup> and 29 November 2007,<sup>5</sup>

**CONSIDERING** that the host country has not objected to any possible provisional release proceedings,<sup>6</sup>

**CONSIDERING** that in a letter dated 18 January 2008, the Government of the Republic of Croatia provided guarantees to the effect that, should the application for provisional release be granted by the Chamber, the Accused would not influence or

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

<sup>2</sup> Decision on the Motion for Provisional Release of the Accused Stojić, 26 June 2006.

<sup>3</sup> Decision on the Motion for Provisional Release of the Accused Stojić, 8 December 2006.

<sup>4</sup> Decision on the Motion for Provisional Release of the Accused Stojić, 11 June 2007.

<sup>5</sup> Decision on the Motion for Provisional Release of the Accused Stojić, 29 November 2007.

<sup>6</sup> See the letter from the Dutch Ministry of Foreign Affairs dated 4 February 2008.

pose a danger to any victims, witnesses or other person while on provisional release and would return to The Hague on the date ordered by the Chamber,<sup>7</sup>

**CONSIDERING** that the Accused Stojić pledges to fully comply with all the conditions for provisional release imposed by the Chamber,

**CONSIDERING** in addition that, given his appropriate behaviour on previous occasions of provisional release, the Chamber is satisfied that, if released, the Accused Stojić will return for the resumption of his trial and not pose a danger to any victim, witness or other person,

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

**CONSIDERING** that the provisional release of the Accused Stojić in the Republic of Croatia could facilitate the preparation of the defence case with his Counsel, who are also expected to be there,

**CONSIDERING** that in the annex to the Motion, the Defence for the Accused Stojić provided a medical certificate attesting to the fact that the Accused Stojić's spouse is ill,

**CONSIDERING** that the presence of the Accused Stojić at her side might help her in her hour of need,

**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** furthermore that the Chamber will adjourn proceedings from 21 February 2008 to 4 May 2008 and that during this period, the presence of the Accused Stojić will be required only to attend, should the need arise, the two meetings on 17 and 26 March 2008, which were scheduled by the Chamber pursuant to Rule 65 *ter* of

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<sup>7</sup> See the letter from the Ministry of Justice of the Republic of Croatia in the annex to the Motion, dated 18 January 2008.

the Rules, and the pre-Defence conference pursuant to Rule 73 *ter* of the Rules, scheduled for 21 April 2008,<sup>8</sup>

**CONSIDERING** as a result that in the exercise of its discretionary power, the Chamber authorizes the provisional release of the Accused Stojić,

**CONSIDERING** nonetheless that his 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 the resumption of the trial,

**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 the resumption of the 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 THESE REASONS,**

**IN ACCORDANCE** with Rule 65 of the Rules,

**GRANTS** the Motion **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,

**JUDGE ANTONETTI** appending a dissenting opinion as regards the public nature of this decision.

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<sup>8</sup> Decision on Motion for Extension of Time for the Commencement of the Defence Case and Adopting

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

*/signed/*

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Jean-Claude Antonetti  
Presiding Judge

Done this nineteenth day of February 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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a New Schedule, 28 January 2008 and Scheduling Order, 14 February 2008.