

**UNITED
NATIONS**



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-AR65.6
Date: 26 March 2008
Original: English

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Presiding
Judge Theodor Meron
Judge Wolfgang Schomburg
Judge O-Gon Kwon
Judge Bakone Justice Moloto

Registrar: Mr. Hans Holthuis

Order of: 26 March 2008

PROSECUTOR

v.

JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ĆORIĆ
and BERISLAV PUŠIĆ

PUBLIC

**ORDER ON PROSECUTION'S REQUEST TO STAY THE DECISION TO
PROVISIONALLY RELEASE THE ACCUSED BERISLAV PUŠIĆ**

Office of the Prosecutor

Mr. Kenneth Scott
Mr. Daryl Mundis

Counsel for the Accused

Mr. Michael Karnavas and Ms. Suzana Tomanović for Jadranko Prlić
Ms. Senka Nožica and Mr. Karim Khan for Bruno Stojić
Mr. Božidar Kovačić and Ms. Nika Pinter for Slobodan Praljak
Ms. Vesna Alaburić and Mr. Nicolas Stewart for Milivoj Petković
Ms. Dijana Tomašegović-Tomić and Mr. Dražen Plavec for Valentin Ćorić
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Berislav Pušić

Handwritten signature

1. The Appeals 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 (“Appeals Chamber” and “International Tribunal”, respectively) is seized of an appeal by the Office of the Prosecutor (“Prosecution”)¹ against a decision rendered by Trial Chamber III on 19 February 2008 (“Impugned Decision”)² in which Trial Chamber III granted provisional release to Berislav Pušić (“Accused”).

2. The Prosecution requests, as a matter of urgency, that the Appeals Chamber immediately order a stay of the Impugned Decision and allow the Appeal by revoking the Trial Chamber’s decision to grant the Accused provisional release.³ The Appeals Chamber considers that the only matter of urgency before it concerns the imminent provisional release of the Accused. The Appeals Chamber reserves its position on all other matters raised in the Appeal and reminds the Accused that he has ten days within which to file a response with arguments on the Appeal as such.⁴

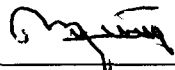
3. The Appeals Chamber finds that a stay of the Impugned Decision is warranted in order to preserve the objective of the Prosecution’s Appeal.⁵

4. On the basis of the foregoing the Appeals Chamber,

ORDERS that the Impugned Decision to provisionally release the Accused **be stayed** until the Appeals Chamber renders its decision on the merits of the Prosecution’s Appeal.

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

Done this 26th day of March 2008,
At The Hague,
The Netherlands.



Judge Mehmet Güney
Presiding Judge

[Seal of the International Tribunal]

¹ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Prosecution’s Urgent Appeal From Décision Relative à la Demande de Mise en Liberté Provisoire de l’Accusé Pušić and Request for Stay, *Confidential and ex parte*, 25 March 2008 (“Appeal”).

² *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Décision Relative à la Demande de Mise en Liberté Provisoire de l’Accusé Pušić (with Confidential Annex), 19 March 2008.

³ Appeal, pp. 1 and 10.

⁴ Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal, IT/155/Rev. 3, 16 September 2005, II.2.

⁵ In this regard, see *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-AR65.1, Order on the Prosecution’s Motion for a Stay, 10 August 2004, p. 3; *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-AR65.5, Decision on Prosecution’s Request to Stay the Decisions to Provisionally Release the Accused Prlić, Stojić, Praljak, Petković and Ćorić, 22 February 2008, p. 2.