

**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: 14 April 2008

Original: English

IT-04-74-AR65-6
A34-A32
14 APRIL 2008

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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

Decision of: 14 April 2008

PROSECUTOR

v.

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

PUBLIC

**DECISION ON PROSECUTION'S URGENT APPEAL AGAINST
"DÉCISION RELATIVE À LA DEMANDE DE MISE EN
LIBERTÉ PROVISOIRE DE L'ACCUSÉ PUŠIĆ"**

Office of the Prosecutor

Mr. Kenneth Scott
Mr. Douglas Stringer

Counsel for the Accused

Mr. Michael Karnavas and Ms. Suzana Tomanović for Jadranko Prlić
Ms. Senka Nožica and Mr. Karim A. A. 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

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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,

BEING 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 ("Trial Chamber") granted provisional release to Berislav Pušić ("Pušić") for three weeks;³

NOTING that the Prosecution's urgent request for an immediate stay of the Impugned Decision was granted by the Appeals Chamber on 26 March 2008 in order to preserve the objective of the Appeal;⁴

NOTING Pušić's Response opposing the Appeal;⁵

NOTING that the Trial Chamber has suspended the hearings in this case from 21 February 2008 until 4 May 2008;

CONSIDERING therefore the urgency of issuing a decision;

HEREBY DISMISSES, Judge Schomburg dissenting, the Appeal and **STATES** that a reasoned opinion as well as Judge Schomburg's dissenting opinion will be provided in due course;

HEREBY ORDERS Pušić to be provisionally released from the first date practicable, and, in any event, by 17 April 2008, until 2 May 2008, with the conditions set out in the Confidential Annex to the Impugned Decision remaining unchanged, save for the dates of release and return;

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, filed confidentially and *ex parte* on 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 Impugned Decision, p. 11 and Confidential Annex.

⁴ Order on Prosecution's Request to Stay the Decision to Provisionally Release the Accused Berislav Pušić, 26 March 2008.

⁵ Response on Behalf of Berislav Pušić to the Prosecution's Appeal of the Trial Chamber's "Décision Relative à la Demande de Mise en Liberté Provisoire de l'Accusé Pušić", filed confidentially on 27 March 2008 ("Response").

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HEREBY ORDERS the Registry to notify both the Appeals Chamber and the Trial Chamber of the date of Pušić's release.

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

Done this 14th day of April 2008,
At The Hague,
The Netherlands.



Judge Mehmet Güney
Presiding Judge

[Seal of the International Tribunal]