



**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-06-90-T
Date: 5 August 2010
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Uldis Ķiniņš
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 5 August 2010

PROSECUTOR

v.

ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ

CONFIDENTIAL

**DECISION ON ČERMAK'S MOTION TO AMEND THE TERMS AND
CONDITIONS OF HIS PROVISIONAL RELEASE**

Office of the Prosecutor

Mr Alan Tieger

Republic of Croatia

Per: the Embassy of the Republic of Croatia
to the Kingdom of the Netherlands

Counsel for Ante Gotovina

Mr Luka Mišetić
Mr Gregory Kehoe
Mr Payam Akhavan

Counsel for Ivan Čermak

Mr Steven Kay, QC
Ms Gillian Higgins

Counsel for Mladen Markač

Mr Goran Mikuličić
Mr Tomislav Kuzmanović

TRIAL CHAMBER I (“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”);

BEING SEISED OF Ivan Čermak’s Motion to Amend the Terms and Conditions of the Decision Dated 9 July 2010 for His Provisional Release Pursuant to Rules 54 and 65, filed on 3 August 2010 (“Motion”), in which the Čermak Defence requests that the Chamber allow Mr Čermak to go, accompanied by a police officer, to his dentist’s office in Zagreb for the sole purpose of receiving dental treatment, including any necessary follow-up appointments;

NOTING that the Prosecution indicated through an informal communication to the Chamber and the parties on 3 August 2010 that, “Provided that the Republic of Croatia guarantees that Mr. Čermak will be accompanied by Croatian law enforcement officials during his visit to the dentist (and any possible follow-up visits for the sole purpose of receiving treatment), the Prosecution does not object to the amendment sought”;

CONSIDERING the letter of the Ministry of the Interior of the Republic of Croatia dated 4 August 2010, providing guarantees to escort and guard Mr Čermak during his visit(s) to the dentist, which the Čermak Defence filed on 5 August 2010;

CONSIDERING the Chamber’s Decision on Ivan Čermak’s Motion for Provisional Release pursuant to Rules 54 and 65, filed on 9 July 2010 (“Decision”), in which the Chamber granted the motion for provisional release subject to certain terms, including that Mr Čermak remain within the confines of his private residence in Croatia during his provisional release;

CONSIDERING that the Čermak Defence submits that Mr Čermak needs prompt dental treatment to alleviate suffering and that this must be done within an equipped dental surgery;

CONSIDERING the dentist’s letter, annexed to the Motion;

FINDING that the Čermak Defence has established humanitarian grounds justifying the requested amendment of the terms and conditions of the provisional release;

PURSUANT TO Article 29 of the Statute of the Tribunal and Rules 54 and 65 of the Rules of Procedure and Evidence:

GRANTS the Motion, thereby varying the Decision only insofar as to allow Čermak to go, accompanied by a law enforcement official, to his dentist's office in Zagreb for the sole purpose of receiving dental treatment, including any necessary follow-up appointments;

ORDERS the Republic of Croatia to ensure that Mr Čermak be escorted by one or more Croatian law enforcement officials whenever outside his private residence;

ORDERS the Čermak Defence to inform the Croatian Ministry of the Interior sufficiently in advance of any dental appointment of Mr Čermak, so as to allow the Ministry to organize and provide the escort;

ORDERS the Republic of Croatia to include in its weekly written reports to the Chamber and the Registry¹ information as to Mr Čermak's dental visits and his compliance with the terms of the Decision as amended by the present decision.

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



Judge Alphons Orie
Presiding Judge

Dated this fifth day of August 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ See paragraph 10 (e) (7) of the Decision.