

IT-03-69-T
Dk3706-Dk3704
24 August 2012

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**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-03-69-T
Date: 24 August 2012
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphonse Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 24 August 2012

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

CONFIDENTIAL

**DECISION ON THE CONDITIONS OF THE ACCUSED
STANIŠIĆ'S PROVISIONAL RELEASE**

Office of the Prosecutor

Mr Dermot Groome

Counsel for Jovica Stanišić

Mr Wayne Jordash
Mr Scott Martin

The Government of the Republic of Serbia

Per: The Embassy of the Republic of Serbia
to the Kingdom of the Netherlands

Counsel for Franko Simatović

Mr Mihajlo Bakrač
Mr Vladimir Petrović

The Government of the Kingdom of the Netherlands

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TRIAL CHAMBER I 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 (“Chamber”);

BEING SEISED of an application (“Application”) by the Stanišić Defence (“Defence”) to vary the conditions of the provisional release of Jovica Stanišić (“Accused”), filed confidentially on 21 August 2012;¹

NOTING the “Decision on the Stanišić Defence Request for Provisional Release” filed confidentially on 16 July 2012 (“Decision”);²

RECALLING that in the Decision, the Chamber granted the provisional release of the Accused from 20 July 2012 to 4 October 2012;³

NOTING that the Defence requests the Chamber to vary the condition of the Accused’s provisional release that he remain within the confines of the city of Belgrade, for one day (approximately eight hours) so as to allow him to visit his father’s grave in the town of Bačka Palanka, in the Republic of Serbia (“Serbia”);⁴

NOTING that the Prosecution has indicated to the Defence that it would not object to the requested variation;⁵

RECALLING the applicable law governing provisional release as set out in a previous decision;⁶

CONSIDERING that granting the requested variation would not alter the Chamber’s assessment regarding the criteria of Rule 65 (B) of the Tribunal’s Rules of Procedure and Evidence (“Rules”);⁷

RECALLING that in the Decision, the Chamber set out conditions for monitoring, treating, and reporting on the Accused’s health, which include that the Reporting Medical Officer (“RMO”) should put questions to the Accused by telephone once every three weeks;⁸

¹ Stanišić Defence Application to Vary the Conditions of Stanišić’s Provisional Release Decision on the Stanišić Defence Request for Provisional Release of 16 July 2012, 21 August 2012 (Confidential).

² Decision on the Stanišić Defence Request for Provisional Release, 16 July 2012 (Confidential).

³ Decision, paras 15 (3)(a) and (c).

⁴ Decision, para. 15 (3)(d)(i); Application, paras 1-2, 4.

⁵ Application, para. 3.

⁶ See Decision on the Stanišić Defence Request for Provisional Release during the Winter Recess, 19 December 2011 (Confidential), paras 6-7.

⁷ Decision, para. 7.

⁸ Decision, para. 15 (2)(c).

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FINDING that, so long as the aforementioned conditions for monitoring, treating, and reporting on the Accused's health are not disrupted, there is no compelling reason to deny the requested variation of the conditions of the Accused's provisional release;

FOR THE FOREGOING REASONS, PURSUANT TO Rules 54 and 65 of the Rules,

HEREBY GRANTS the Application, **AMENDS** the Decision, and **ORDERS** that as an exception to the conditions of the Accused's provisional release set in the Decision:

(i) the Accused may travel outside of the confines of the city of Belgrade on one day (for approximately eight hours) in August 2012 to visit his father's grave in Bačka Palanka town in Serbia;

(ii) the Accused need not report to a local police station on the day of his visit to his father's grave in Bačka Palanka in August 2012;

CLARIFIES that all other conditions set in the Decision remain in force;

INSTRUCTS the Defence to consult with the Registry in determining the day on which the Accused will travel to Bačka Palanka, so as to ensure that the visit does not interfere in any way with the RMO putting questions to the Accused; and

INSTRUCTS the Registry to inform the Government of Serbia at least two days in advance of the day on which the Accused will travel to Bačka Palanka.

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


Judge Elizabeth Gwaunza

Dated this Twenty-fourth day of August 2012
At The Hague
The Netherlands

[Seal of the Tribunal]