



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: 5 September 2012
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr John Hocking

Decision of: 5 September 2012

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

PUBLIC

**PUBLIC REDACTED VERSION OF “ORDER ON ACCUSED JADRANKO
PRLIĆ’S MOTION TO EXTEND HIS PROVISIONAL RELEASE”**

The Office of the Prosecutor:

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
Ms Nika Pinter and Ms Natacha Fauveau-Ivanović for Slobodan Praljak
Ms Vesna Alaburić and Mr Zoran Ivanišević for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

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 “Jadranko Prlić’s Motion to Extend his Provisional Release”, filed as a confidential document by Counsel for the Accused Jadranko Prlić (“Accused” and “Prlić Defence”) on 21 August 2012 (“Motion”), to which a confidential annex is attached, in which the Prlić Defence asks the Chamber to extend the provisional release of the Accused Prlić by three months,

NOTING the “Prosecution Response to Jadranko Prlić’s Motion to Extend his Provisional Release”, filed by the Office of the Prosecutor (“Prosecution”) as a confidential document on 4 September 2012 (“Response”), to which a confidential annex is attached, in which the Prosecution does not object to the said Motion,¹

NOTING the “Decision on Jadranko Prlić’s Motion for Provisional Release”, rendered as a public document by the Chamber with one confidential and one public annex on 24 November 2011 (“Decision of 24 November 2011”), in which the Chamber ordered the provisional release of the Accused Prlić to Zagreb for a limited period of time and set out the procedure to be followed for any requests to extend the said release,²

NOTING the “Public Redacted Version of Order on Motion to Extend Provisional Release of Jadranko Prlić”, rendered as a public document on 6 June 2012 (“Order of 6 June 2012”), in which the Chamber extended the provisional release of the Accused Prlić under the same conditions as those set out in the Decision of 24 November 2011,³

CONSIDERING that in the Motion, the Prlić Defence argues that during his release, the Accused Prlić complied with the conditions set out by the Chamber in its Decision of 24 November 2011 and the subsequent decisions extending his provisional release; that the Government of the Republic of Croatia once again provided guarantees to ensure that the Accused would reappear and that there were no new circumstances that could militate against extending the provisional release of the Accused,⁴

¹ Response, para. 1.

² Decision of 24 November 2011, p. 13 and public Annex 2 to the Decision of 24 November 2011.

CONSIDERING that the Prosecution, in light of the previous decisions from the Chamber and the Appeals Chamber, does not object to the Motion provided that all the conditions previously imposed on the provisional release remain the same,

CONSIDERING that the Prosecution draws the Chamber's attention to the fact that [REDACTED],⁵

CONSIDERING that the Prosecution proposes that [REDACTED],

CONSIDERING that the Chamber recalls firstly that [REDACTED]; that the Chamber deems that in the current situation, nothing points to an increase in the flight risk of the Accused Prlić,

CONSIDERING that the Chamber deems, furthermore, that in its letter of 25 July 2012, the Government of the Republic of Croatia provided guarantees that if the provisional release of the Accused Prlić were extended, he would not influence or endanger victims, witnesses or any other persons whilst on provisional release and that he would return to The Hague on the date ordered by the Chamber,⁶

CONSIDERING that the Chamber notes, in light of the reports submitted by the Croatian authorities pursuant to the Decision of 24 November 2011, that the Accused Prlić has complied with the conditions of his provisional release,

CONSIDERING that the Chamber deems that the compliance with the conditions of provisional release and the guarantees provided by the Republic of Croatia for each new request to extend the provisional release are sufficient to be able to assess whether the conditions of Rule 65 (B) of the Rules of Procedure and Evidence ("Rules") have been met,

CONSIDERING, in light of the foregoing, that the Chamber is satisfied that should the provisional release of the Accused Prlić be extended, he would return to the UNDU; that he would not endanger victims, witnesses or any other person and that, consequently, the conditions of Rule 65 (B) of the Rules have been met,

³ Order of 6 June 2012, p. 6.

⁴ Motion, pp. 1 and 2 and confidential Annex 1.

⁵ Response, paras 2 and 3.

⁶ Confidential Annex to the Motion.

CONSIDERING, in view of the above, that the Chamber deems that an extension of the provisional release of the Accused Prlić for a limited period and under the same conditions as those imposed by the Decision of 24 November 2011, in particular those referring to the place of residence, would allow the Chamber to keep control over the progress of this provisional release,

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 65 (B) of the Rules,

GRANTS the Motion,

DECIDES to extend the provisional release of the Accused Prlić until [REDACTED],

DECIDES that the conditions of provisional release set out in confidential Annexes 1 and 2 to the Decision of 24 November 2011 shall apply *mutatis mutandis* to the present decision,

Presiding Judge Jean-Claude Antonetti attaches a partially concurring opinion to the present decision.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this fifth day of September 2012

The Hague

Netherlands

[Seal of the Tribunal]

Partially concurring opinion of Presiding Judge Jean-Claude Antonetti

[REDACTED]