



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: 19 November 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: 19 November 2012

THE PROSECUTOR

v.

Jadranko PRLIĆ
Bruno STOJIC
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ

PUBLIC

**PUBLIC REDACTED VERSION OF “ORDER ON 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 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 Prlić” and “Prlić Defence”) on 14 November 2012 (“Motion”) with a confidential annex, in which the Prlić Defence requests that the Chamber extend the provisional release of the Accused Prlić for [REDACTED],¹

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 15 November 2012 (“Response”) in which the Prosecution does not oppose the Motion,²

NOTING the “Decision on Jadranko Prlić’s Motion for Provisional Release”, rendered by the Chamber as a public document with a confidential annex and a 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 request to extend the said release,³

NOTING the “Public Redacted Version of ‘Order on Accused Jadranko Prlić’s Motion to Extend His Provisional Release’”, rendered as a public document on 4 September 2012 (“Order of 4 September 2012”), in which the Chamber extended the provisional release of the Accused Prlić under the same conditions as those set out by the Decision of 24 November 2011,⁴

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 the Decision of 24 November 2011 and the subsequent decisions extending his provisional release; that the Government of the Republic of Croatia has once again

¹ Motion, p. 3.

² Response, para. 1.

³ Decision of 24 November 2011, p. 13 and public Annex 2 to the Decision of 24 November 2011.

provided guarantees to ensure that the Accused will reappear and that there were no new circumstances that would argue against extending the provisional release of the Accused,⁵

CONSIDERING, in light of previous decisions of the Chamber and the Appeals Chamber, that the Prosecution does not oppose the Motion as long as the conditions previously set out for the provisional release of the Accused Prlić remain the same,

CONSIDERING that the Chamber finds that in the letter of 5 November 2012, the Government of the Republic of Croatia provided guarantees for the Accused Prlić that, should his provisional release be extended by the Chamber, he would not influence or pose a threat during his provisional release to victims, witnesses and other persons 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 complied with the conditions of the provisional release,

CONSIDERING that the Chamber is of the opinion that compliance with the conditions of the provisional release and the guarantees provided by the Republic of Croatia for each new request for an extension of provisional release are sufficient to assess whether the requirements under Rule 65 (B) of the Rules of Procedure and Evidence (“Rules”) have been met,

CONSIDERING that in view of the aforementioned, the Chamber is satisfied that, should the provisional release be extended, the Accused Prlić would return to the UNDU; that he would not pose a danger to any victims, witnesses and other persons and that, consequently, the requirements under Rule 65 (B) of the Rules have been met,

CONSIDERING that in view of the aforementioned, 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 set out by the Decision of 24 November 2011, in

⁴ Order of 4 September 2012, p.4.

⁵ Motion, pp. 1 to 3 and confidential Annex 1.

particular the place of residence, allow the Chamber to keep control on the progress of this provisional release,

CONSIDERING, finally, that the Chamber recalls that it can at any time order the immediate return of the Accused Prlić to the UNDU, in the event that it were to render the final judgement before the expiry of the period of extended provisional release set by the Chamber,

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 the provisional release set out in confidential Annex 1 and Annex 2 to the Decision of 24 November 2011 apply *mutatis mutandis* to the present decision,

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this nineteenth day of November 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Confidential Annex to the Motion.