



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: 4 December 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: 4 December 2012

THE PROSECUTOR

v.

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

PUBLIC

**PUBLIC REDACTED VERSION OF “ORDER ON BRUNO STOJIĆ’S
MOTION FOR EXTENSION OF 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 “Bruno Stojić’s Motion for Extension of His Provisional Release”, filed as a confidential document by Counsel for the Accused Bruno Stojić (“Accused Stojić” and “Stojić Defence”) on 27 November 2012 with a confidential annex (“Motion”), in which the Stojić Defence requests that the Chamber extend the provisional release of the Accused Stojić for a period as deemed appropriate by the Trial Chamber,¹

NOTING the “Prosecution Response to Bruno Stojić’s Motion for the Extension of His Provisional Release”, filed by the Office of the Prosecutor (“Prosecution”) as a confidential document on 29 November 2012 (“Response”), in which the Prosecution partly opposes the Motion,²

NOTING the “Decision on Bruno Stojić’s Motion for Provisional Release”, rendered by the Chamber as a confidential and *ex parte* document with two confidential and *ex parte* annexes on 1 December 2011 (“Decision of 1 December 2011”), in which the Chamber ordered the provisional release of the Accused Stojić [REDACTED] 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 Bruno Stojić’s Motion for Extension of His Provisional Release’”, rendered on 11 September 2012 (“Order of 11 September 2012”), in which the Chamber extended the provisional release of the Accused Stojić under the same conditions as those set out in the Decision of 1 December 2011,⁴

CONSIDERING that in support of the Motion, the Stojić Defence argues that the requirements under Rule 65 (B) of the Rules of Procedure and Evidence (“Rules”)

¹ Motion, paras 1 to 2 and p. 6.

² Response, para. 1.

³ Decision of 1 December 2011, para. 40 and p. 13; confidential and *ex parte* Annexes 1 and 2 to the Decision of 1 December 2011

⁴ Order of 11 September 2012, p. 5.

have been met; that, more specifically, the Government of Croatia has provided once again guarantees that the Accused Stojić will return;⁵ that the Accused Stojić complied with the conditions imposed by the Chamber in its Decision of 1 December 2011 and by the subsequent decisions extending his provisional release;⁶ that the Accused Stojić does not constitute a flight risk and will not pose a threat to any victims or witnesses;⁷ and, finally, that the Accused Stojić will continue to comply with all the conditions of his provisional release;⁸

CONSIDERING that in its Response, the Prosecution opposes the provisional release of the Accused for an indefinite period, but does not oppose an extension of his provisional release for a period of [REDACTED] insofar as all existing conditions imposed on the Accused by the Chamber remain the same,⁹

CONSIDERING that the Chamber notes that the Government of the Republic of Croatia provided guarantees in its letter of 14 November 2012 that, should his provisional release be extended by the Chamber, the Accused Stojić would not influence or pose a threat to victims, witnesses or any other persons during his provisional release and would return to The Hague when ordered to do so by the Chamber,¹⁰

CONSIDERING that the Chamber finds that, in light of the reports presented by the Croatian authorities pursuant to the Decision of 1 December 2011, the Accused Stojić has complied with the conditions of his provisional release,¹¹

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 have been met,

CONSIDERING that in view of the aforementioned, the Chamber is persuaded that the Accused Stojić would return to the UNDU, should his provisional release be

⁵ Motion, para. 5 and confidential Annex.

⁶ Motion, paras 1 and 6 to 8.

⁷ Motion, paras 9 and 10.

⁸ Motion, para. 11.

⁹ Response, para. 1.

¹⁰ Confidential annex to the Motion.

extended; that he would not pose a danger to victims, witnesses or any other persons and that, consequently, the requirements under Rule 65 (B) of the Rules have been met,

CONSIDERING that to the extent that a provisional release for an indeterminate period of time would not be appropriate as the Chamber would not be able to assess adequately the flight risk, the Chamber consequently decides to set the extension of the provisional release of the Accused Stojić [REDACTED],¹²

CONSIDERING that in view of the aforementioned, the Chamber deems that an extension of the provisional release of the Accused Stojić for a limited period under the same conditions as those set out in the Decision of 1 December 2011, in particular the place of residence, would allow the Chamber to keep control of the progress of this provisional release,

CONSIDERING, finally, that the Chamber recalls that it can order the immediate return of the Accused Stojić to the UNDU at any time, should it 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 Stojić until [REDACTED],

¹¹ Including the report by the Croatian authorities of 15 November 2012, filed by the Registry on 28 November 2012.

¹² Decision of 1 December 2011, para. 39.

DECIDES that the conditions of the provisional release set out in the two confidential and *ex parte* annexes to the Decision of 1 December 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 fourth day of December 2012
At The Hague
The Netherlands

[Seal of the Tribunal]