



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: 8 March 2013
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: 8 March 2013

THE PROSECUTOR

v.

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

PUBLIC

**PUBLIC REDACTED VERSION OF ORDER ON MOTION TO RENEW
PROVISIONAL RELEASE OF ACCUSED ĆORIĆ**

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 “Valentin Ćorić’s Fifth Motion Seeking Renewal of Provisional Release” filed as a confidential and *ex parte* document by Counsel for the Accused Valentin Ćorić (“Accused Ćorić” and “Ćorić Defence”) on 20 February 2013 (“Motion”), to which a confidential and *ex parte* Annex (“Annex”) is attached, and in which the Ćorić Defence asks the Chamber to extend the provisional release of the Accused Ćorić until delivery of the judgement or, in the alternative, for a period of three months,¹

NOTING the “Prosecution Response to Valentin Ćorić’s Fifth Motion Seeking Renewal of Provisional Release” filed as a confidential and *ex parte* document by the Office of the Prosecutor (“Prosecution”) on 21 February 2013 (“Response”) in which the Prosecution objects in part to the Motion,²

NOTING the “Decision on Valentin Ćorić’s Request for Provisional Release” rendered by the Chamber as a confidential and *ex parte* document with two confidential and *ex parte* annexes on 29 November 2011 (“Decision of 29 November 2011”), in which the Chamber ordered the provisional release of the Accused Ćorić to [REDACTED] for a limited duration and set out the procedure to be followed for any request to extend the said provisional release³,

NOTING the “Order on Motion to Renew Provisional Release of Accused Ćorić” rendered by the Chamber as a confidential document on 4 December 2012 (“Decision of 4 December 2012”), in which the Chamber ordered that the provisional release of the Accused Ćorić be extended until [REDACTED] under the same conditions as those set out in the Decision of 29 November 2011,⁴

¹ Motion, para. 14.

² Response, para. 1.

³ Decision of 29 November 2011, p. 13, and confidential and *ex parte* Annexes 1 and 2 to the Decision of 29 November 2011.

⁴ Decision of 4 December 2012, p. 4.

CONSIDERING that in support of the Motion, the Ćorić Defence argues that during his provisional release, the Accused Ćorić complied with the conditions of provisional release imposed by the Chamber and that he will continue to respect them during the renewed period of provisional release;⁵ that the Government of the Republic of Croatia has once again provided guarantees to ensure the return of the Accused Ćorić and compliance with the Chamber's conditions;⁶ that circumstances have remained unchanged since the Chamber's last decision to provisionally release the Accused Ćorić;⁷ that the provisional release of the Accused Ćorić continues to be justified,⁸ and, finally, that since no hearings have been scheduled by the Chamber in the next three months, the presence of the Accused Ćorić at the Tribunal is not required,⁹

CONSIDERING that in its Response, the Prosecution objects to the provisional release of the Accused for an unspecified period but does not object to extending his provisional release for a duration of three months provided that the conditions previously imposed by the Chamber on the Accused remain the same, and requests a stay of the decision rendered pursuant to the Motion should the Chamber decide to order an extension of the provisional release of the Accused for an indefinite period so as to allow the Prosecution to lodge an appeal against the said decision,¹⁰

CONSIDERING that the Chamber notes that in its letter of 12 February 2013, the Government of the Republic of Croatia provided guarantees that if the provisional release of the Accused Ćorić were extended by the Chamber, the Accused Ćorić would not influence or endanger victims, witnesses or any other persons whilst on provisional release and would return to The Hague on the date ordered by the Chamber,¹¹

CONSIDERING that, in light of the reports submitted by the Croatian authorities pursuant to the Decision of 4 December 2012, the Chamber notes that the Accused Ćorić has complied with the conditions of his provisional release,

⁵ Motion, paras 8, 9 and 12.

⁶ Motion, para. 10 and Annex.

⁷ Motion, paras 7 and 11.

⁸ Motion, para. 11.

⁹ Motion, para. 15.

¹⁰ Response, paras 1 and 2.

¹¹ Annex.

CONSIDERING that, in view of the preceding, the Chamber is persuaded that, should his provisional release be extended, the Accused Čorić would return to the UNDU on the date ordered by the Chamber; 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, as all requests for provisional release for an indeterminate period of time must be denied because the Chamber would not be able to assess the flight risk adequately, the Chamber decides to set the extension of the provisional release of the Accused Čorić to three months,

CONSIDERING that the Chamber recalls furthermore that it can order the immediate return of the Accused Čorić 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,

CONSIDERING that, in view of the foregoing, the Chamber deems that an extension of the provisional release of the Accused Čorić for a period of three months and under the same conditions as those set out in the Decision of 29 November 2011 would allow the Chamber to keep control of the progress of this provisional release,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 65 (B) and (E) of the Rules,

PARTIALLY GRANTS the Motion,

ORDERS that the provisional release of the Accused Ćorić be extended until [REDACTED],

ORDERS that the conditions of the provisional release set out in confidential and *ex parte* Annexes 1 and 2 to the Decision of 29 November 2011 shall apply *mutatis mutandis* to the present decision,

REJECTS the Motion in all other respects

AND,

DECLARES AS MOOT the Prosecution request to stay the execution of this decision.

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

/signed/ _____

Jean-Claude Antonetti

Presiding Judge

Done this eighth day of March 2013

At The Hague
The Netherlands

[Seal of the Tribunal]