



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-PT  
Date: 20 August 2004  
Original: English

**BEFORE THE DUTY JUDGE**

**Before:** Judge Inés Mónica Weinberg de Roca, Duty Judge  
**Registrar:** Mr. Hans Holthuis  
**Order:** 20 August 2004

**PROSECUTOR**

v.

**JADRANKO PRLIĆ  
BRUNO STOJIĆ  
SLOBODAN PRALJAK  
MILIVOJ PETKOVIĆ  
VALENTIN ĆORIĆ  
BERISLAV PUŠIĆ**

**DECISION ON DEFENCE MOTIONS FOR  
RECONSIDERATION AND MOTION FOR CLARIFICATION**

**The Office of the Prosecutor:**

Mr. Kenneth Scott

**Counsel for the Accused Jadranko Prlić:**

Mr. Čamil Salahović  
Mr. Želimir Par

**Counsel for the Accused Slobodan Praljak:**

Mr. Božidar Kovačić  
Ms. Nika Pinter

**Counsel for the Accused Bruno Stojić:**

Mr. Željko Olujić

**Counsel for the Accused Milivoj Petković:**

Ms. Vesna Alaburić

**Counsel for the Accused Berislav Pušić:**

Mr. Marinko Škobić

**Counsel for the Accused Valentin Ćorić:**

Mr. Tomislav Jonjić

**I, Inés Mónica Weinberg de Roca**, Duty Judge 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 (“International Tribunal”),

**BEING SEISED** of (i) a “Notice of the Accused Slobodan Prljak Regarding Immediate Execution of Trial Chamber 30<sup>th</sup> July 2004 Decision on Provisional Release” filed on 5 August 2004, (ii) a “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4 August 2004” filed on behalf of the accused Jadranko Prlić on 5 August 2004, (iii) a “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4<sup>th</sup> August 2004” filed on behalf of the accused Valentin Ćorić on 5 August 2004,<sup>1</sup> and (iv) “The Accused Slobodan Prljak’s Urgent Request for Immediate Implementation of 2 August 2004 Trial Chamber’s Order on Provisional Release” filed on 5 August 2004 (collectively, “Defence Motions”), requesting that the Duty Judge to reconsider the “Order on Prosecutor’s Motion to Stay Orders on Provisional Release” issued on 4 August 2004 (“Initial Order”),

**NOTING** that the Prosecutor filed before the Duty Judge on 3 August 2004 a “Prosecutor’s Motion to Stay Orders on Provisional Release Concerning the Accused Jadranko Prlić, Bruno Stojić, Slobodan Prljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić Pursuant to Rules 65 and 127” (“Prosecution’s Motion”) for an order to stay the decisions of Trial Chamber I, issued on 2 August 2004, granting provisional release to the Accused Jadranko Prlić, Bruno Stojić, Slobodan Prljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić (“Impugned Orders”),

**NOTING** that, in the Initial Order, I considered that it was not appropriate for me, acting as a single Judge, to consider the Prosecution’s Motion and accordingly remitted the application to Trial Chamber I for determination,

**NOTING** the “Decision on Prosecution’s Motion for Stay of Orders on Provisional Release of Accused” issued by Trial Chamber I on 9 August 2004 (“Decision of Trial Chamber I”) rejecting the Prosecution’s Motion,

**CONSIDERING** that, in light of the Decision of Trial Chamber I, the relief sought in the Defence Motions has *ipso facto* become moot,

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<sup>1</sup> The Accused Berislav Pušić filed a notice of joinder to the “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4 August 2004” filed on behalf of the accused Jadranko Prlić and the “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4<sup>th</sup> August 2004” filed on behalf of the accused Valentin Ćorić on 5 August 2004.

**NOTING** the “Order on the Prosecution’s Motion for a Stay” issued by the Appeals Chamber on 10 August 2004 granting a Prosecution’s application for a stay of the Impugned Orders until a decision by a bench of the Appeals Chamber on the Prosecution’s application for leave to file an interlocutory appeal in respect of the Impugned Orders (“Decision of the Appeals Chamber”),

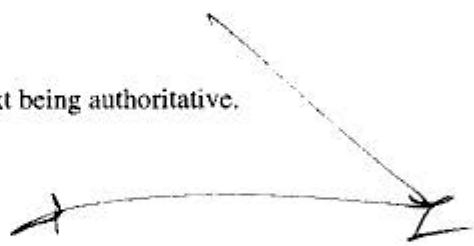
**NOTING FURTHER** “the Accused Milivoj Petković’s Motion for Clarification of the Legal Status of the Accused in Respect of the Trial Chamber’s Decision on Prosecution’s Motion for Stay of the Orders on Provisional Release of the Accused and the Appeals Chamber’s Order on the Prosecution’s Motion for Stay” filed before me on 11 August 2004 (“Motion for Clarification”),<sup>2</sup> seeking clarification on the effect of the Decision of the Appeals Chamber,

**CONSIDERING** that the same Motion for Clarification has been filed before the Appeals Chamber, I therefore dismiss it,

**PURSUANT TO** Rules 28 and 54 of the Rules of Procedure and Evidence of the International Tribunal,

**HEREBY DISMISS** the Defence Motions and the Motion for Clarification.

Done in both English and French, the English text being authoritative.



Judge Inés Mónica Weinberg de Roca  
Duty Judge

Dated this twentieth day of August 2004  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

<sup>2</sup> The Accused Slobodan Praljak filed on 12 August 2004, a notice of joinder to the “The Accused Milivoj Petković’s Motion for Clarification of the Legal Status of the Accused in Respect of the Trial Chamber’s Decision on Prosecution’s Motion for Stay of the Orders on Provisional Release of the Accused and the Appeals Chamber’s Order on the Prosecution’s Motion for Stay” filed on 11 August 2004.