



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: 26 February 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: 26 February 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 EXTEND
PROVISIONAL RELEASE OF ACCUSED JADRANKO PRLIĆ”**

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 Prlić” and “Prlić Defence”) on 19 February 2013 (“Motion”), to which a confidential annex is attached and in which the Prlić Defence asks the Chamber to extend the provisional release of the Accused Prlić by three months,¹

NOTING the “Prosecution Response to Jadranko Prlić’s Motion to Extend his Provisional Release” filed as a confidential document by the Office of the Prosecutor (“Prosecution”) on 20 February 2013 (“Response”) in which the Prosecution does not object to the Motion,²

NOTING the “Decision on Jadranko Prlić’s Motion for Provisional Release”, rendered by the Chamber as a public document 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 duration and set out the procedure to be followed for any request to extend the said provisional release,³

NOTING the “Public Redacted Version of ‘Order on Jadranko Prlić’s Motion to Extend his Provisional Release’”, rendered as a public document on 19 November 2012 (“Order of 19 November 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 2011,⁴

CONSIDERING that in the Motion, the Prlić Defence argues that during his provisional release, the Accused Prlić has complied with the conditions imposed by the Chamber in the Decision of 24 November 2011 and in subsequent decisions extending his provisional release; that the Prosecution did not object to the two previous motions to extend the said provisional release providing that the conditions accompanying it remain the same; that the Government of the Republic of Croatia has once again provided guarantees that the Accused will reappear

¹ Motion, p. 3.

² Response, par. 1.

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

⁴ Order of 19 November 2012, p. 4.

and that there are no new circumstances that could mitigate against extending the provisional release of the Accused,⁵

CONSIDERING that, in light of the previous decisions of the Chamber and the Appeals Chamber, the Prosecution does not object to the Motion providing that the previous conditions accompanying the provisional release of the Accused Prlić remain the same,⁶

CONSIDERING that the Chamber notes, furthermore, that in a letter dated 11 February 2013, the Government of the Republic of Croatia provided guarantees that, should the provisional release of the Accused Prlić be extended by the Chamber, he would not influence or endanger victims, witnesses or any other persons during his provisional release and would return to The Hague on the date ordered by the Chamber,⁷

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 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 to extend provisional release are sufficient to assess whether the requirements of Rule 65 (B) of the Rules of Procedure and Evidence (“Rules”) have been met,

CONSIDERING that, in light of the foregoing, the Chamber is persuaded that, should his provisional release be extended, the Accused Prlić would return to the UNDU when ordered by the Chamber; that he would not endanger victims, witnesses or any other persons and that, consequently, the requirements under Rule 65 (B) of the Rules have been met,

CONSIDERING that, in light of the foregoing, the Chamber deems that extending the provisional release of the Accused Prlić for a limited period and under the same conditions as those set out in the Decision of 24 November 2011, notably his place of residence, would allow the Chamber to keep control over the progress of this provisional release,

CONSIDERING, finally, that the Chamber recalls that it may order the immediate return of the Accused Prlić to the UNDU at any time should it, for example, render the final judgement before the expiry of the deadline it has set for the extended provisional release,

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

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 shall 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 twenty-sixth day of February 2013
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Response, para. 1.

⁷ Confidential Annex to the Motion.