

IT-03-69-T
D 69034 - D 69032
19 April 2013

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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-03-69-T
Date: 19 April 2013
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 19 April 2013

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON THE STANIŠIĆ DEFENCE APPLICATION TO
VARY THE CONDITIONS OF THE ACCUSED
STANIŠIĆ'S PROVISIONAL RELEASE**

Office of the Prosecutor
Mr Dermot Groome

Counsel for Jovica Stanišić
Mr Wayne Jordash
Mr Scott Martin

The Government of the Republic of Serbia
Per: The Embassy of the Republic of Serbia
to the Kingdom of the Netherlands

Counsel for Franko Simatović
Mr Mihajlo Bakrač
Mr Vladimir Petrović

The Government of the Kingdom of the Netherlands

I. PROCEDURAL HISTORY AND SUBMISSIONS

1. On 5 February 2013, the Chamber granted the provisional release of the Accused Jovica Stanišić ("Accused") until the date of entry of the judgement ("Decision").¹ In the Decision, the Chamber ordered the Accused to remain within the city limits of Belgrade.² The Chamber also set conditions for monitoring, treating, and reporting on the Accused's health, which, among others, provided that the Reporting Medical Officer ("RMO") should put questions to the Accused by telephone once every three weeks.³

2. On 11 April 2013, the Stanišić Defence applied for a variation of the conditions of the Accused's provisional release ("Request").⁴ The Stanišić Defence requested that the Chamber allow the Accused to leave the city of Belgrade for six days, from 1 to 6 May 2013, to visit his brother and other relatives, and the graveyard of his parents, in Bačka Palanka town, and a village called Nestin four kilometres away, both in Serbia, during Orthodox Easter.⁵ The Stanišić Defence submits that the Prosecution does not oppose the Request, as long as alternative control mechanisms can be arranged with the Serbian government that fulfil the functions of the controls in place when the Accused is in Belgrade.⁶

II. APPLICABLE LAW AND DISCUSSION

3. The Chamber recalls and refers to the applicable law governing provisional release as set out in its previous decisions.⁷ The Chamber further recalls that it has previously granted a variation of the Accused's provisional release in order that he be able to visit his father's grave in Bačka Palanka.⁸

4. The Chamber considers that granting the requested variation would not alter its prior assessment whereby it was satisfied that the Accused would appear before the Tribunal and would not pose a danger to any victim, witness or other person.⁹ The Chamber understands that 1 May 2013 would be the next date for the telephone contact between the Accused and the RMO. Provided

¹ Decision on Stanišić Defence Request for Provisional Release after Closing Arguments until Entry of Trial Judgement, 5 February 2013 (Confidential), paras 11-12.

² Decision, para. 12 (3)(e)(i).

³ Decision, para. 12 (2)(c).

⁴ Stanišić Defence Application to Vary the Conditions of Stanišić's Provisional Release Decision of 5 February 2013, 11 April 2013 (Confidential).

⁵ Request, para. 2.

⁶ Request, para. 3.

⁷ Decision on Simatović Request for Provisional Release, 13 December 2011, paras 6-7 and the decisions cited therein.

⁸ Decision on the Conditions of the Accused Stanišić's Provisional Release, 24 August 2012.

⁹ Decision, para. 6.

that this appointment is not disrupted, the Chamber finds it appropriate to grant the Request, subject to an amendment of the conditions of the provisional release set out in the Decision as indicated in the disposition below.

III. DISPOSITION

5. For the foregoing reasons, pursuant to Rules 54 and 65 of the Rules, the Chamber **GRANTS** the Request, **AMENDS** the Decision, and **ORDERS** that as an exception to the conditions of the Accused's provisional release set in the Decision:

(i) The Accused may travel outside the confines of the city of Belgrade from 1 to 6 May 2013, to visit his brother and other relatives, and the graveyard of his parents, in the town of Bačka Palanka and the village of Nestin, both in Serbia;

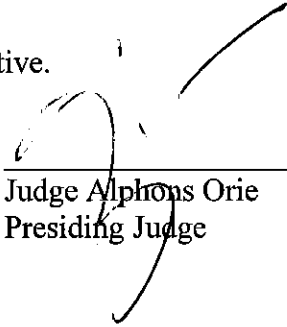
(ii) The Accused must remain within the confines of Bačka Palanka and Nestin during the period of 1 to 6 May 2013, and may only conduct travel strictly necessary to reach these destinations and to return to Belgrade;

(iii) The Accused must provide the addresses at which he will be staying in Bačka Palanka and Nestin during the period of 1 to 6 May 2013 to the Ministry of Justice of Serbia and the Registrar of the Tribunal;

(iv) The Accused must provide a telephone number at which the Medical Service of the United Nations Detention Unit may contact him when outside Belgrade;

(v) During his stay outside of Belgrade, the Accused must report each day before 1 p.m. to the police at a local police station to be designated to him by the Serbian Ministry of Justice, unless admitted to a medical institution.

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



Judge Alphons Orié
Presiding Judge

Dated this nineteenth day of April 2013
At The Hague
The Netherlands

[Seal of the Tribunal]