



International Tribunal for the Prosecution of  
Persons Responsible for Serious Violations of  
International Humanitarian Law Committed in  
the Territory of Former Yugoslavia since 1991

Case No. IT-04-81-PT

Date: 15 July 2008

Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orié, Presiding Judge  
Judge Christine Van Den Wyngaert  
Judge Bakone Justice Moloto

**Registrar:** Mr. Hans Holthuis

**Decision of:** 15 July 2008

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

***PUBLIC***

---

**DECISION ON 13<sup>th</sup> REQUEST FOR ALTERATION OF  
CONDITIONS OF PROVISIONAL RELEASE**

---

**The Office of the Prosecutor**

Mr. Mark Harmon  
Mr. Evangelos Thomas

**Counsel for the Defence**

Mr. James Castle  
Mr. Novak Lukić

**Republic of Serbia**

via the Embassy of the Republic of Serbia  
to The Netherlands, The Hague

**TRIAL CHAMBER I** (“Trial 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”);

**BEING SEISED** of “Request for Alteration of Conditions of Provisional Release with Confidential Annex A, filed partly confidentially on 9 July 2008 (“Request”), in which the Defence requests modification of the Accused’s provisional release that requires the Accused to remain within the confines of the municipality of Belgrade;<sup>1</sup>

**NOTING** that the Defence requests, specifically, permission for the Accused to travel to Koštunići, a town in Serbia, as he wishes to visit the graves of his parents and his brother, take care of his brother’s home and offer support to his brother’s widow on the following dates: (i) 15 – 30 July 2008 and (iii) 15 August – 30 August 2008;<sup>2</sup>

**NOTING** that the Defence submits that the Accused has previously sought permissions twelve times from the Chamber for a modification of the conditions of his provisional release, that those requests were granted and that the Accused has fully complied with the Chamber’s previous decisions pertaining to visiting his family home in Koštunići;<sup>3</sup>

**NOTING** the correspondence of the Ministry of Justice of Republic of Serbia dated 9 July 2008 attached to the Request wherein the Ministry of Justice states that the Serbian police are willing and able to provide all measures to achieve the security of the Accused and confirms the Accused’s compliance with the Chamber’s conditions set forth in its previous decisions;<sup>4</sup>

**NOTING** that the Prosecution have not opposed the Motion;

**CONSIDERING** that sufficient reasons have been given, and sufficient measures have been provided, to warrant the temporary modification of the conditions of the Accused’s provisional release;

**PURSUANT** to Rules 54 and 65 of the Rules of Procedure and Evidence of the Tribunal,

**GRANTS** the Request and **ORDERS** that

---

<sup>1</sup> The Provisional release of the Accused was decided by the Chamber on 9 June 2005: *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-PT, Decision on Momčilo Perišić’s Motion for Provisional Release, 9 June 2005 (“Chamber’s Decision of 9 June 2005”).

<sup>2</sup> Request, para. 5.

<sup>3</sup> Request, paras 2, 4.

<sup>4</sup> Request, para. 4; Annex A.

- (a) The Accused has permission to visit his family in Koštunići, municipality of Gornji Milanovac, Republic of Serbia, the graves of his close family members there, and the home of his recently deceased brother at 32308 Pranjani, Koštunići, municipality of Gornji Milanovac, Republic of Serbia during the following dates: (i) 15 – 30 July 2008 and (ii) 15 – 30 August 2008;
- (b) The Accused shall provide details of each visit (including the dates of travel and a copy of this Decision granting permission for the visit) to the Ministry of the Interior of the Republic of Serbia in advance of the departure of each visit;
- (c) The Government of the Republic of Serbia shall (i) between 15 July 2008 and 30 August 2008 submit a written report to the Trial Chamber every two weeks on the compliance of the Accused with his provisional release conditions as set forth in the Chamber's Decision of 9 June 2005 and this Decision; (ii) immediately arrest and detain the Accused if he should breach any of his provisional release conditions as set forth in the Chamber's Decision of 9 June 2005 and this Decision; and (iii) immediately report to this Chamber any breach of his provisional release conditions as set forth in this Trial Chamber's Decision of 9 June 2005 and this Decision.

Nothing in this Decision should be read as altering the terms and conditions of the Accused's provisional release contained in the Trial Chamber's decision of 9 June 2005, save as provided in subparagraphs (a) to (c) above.

The Trial Chamber requests that the Registrar serve this Decision on the Government of the Republic of Serbia.

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



**Judge Alphons Oric, Presiding**

Dated this fifteenth day of July 2008

At The Hague

The Netherlands

**[Seal of the Tribunal]**