



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: 4 December 2012
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: 4 December 2012

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 Fourth 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 22 November 2012 (“Motion”), to which a confidential and *ex parte* Annex (“Annex”) is attached and in which the Ćorić Defence asks the Chamber to renew the provisional release of the Accused Ćorić until a judgement is rendered or, in the alternative, for a period of three months,¹

NOTING the “Prosecution Response to Valentin Ćorić’s Fourth Motion Seeking Renewal of Provisional Release” filed as a confidential and *ex parte* document by the Office of the Prosecutor (“Prosecution”) on 29 November 2012 (“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 [REDACTED] for a limited period of time and set out the procedure to be followed for any request to extend the said provisional release,³

NOTING the “Order on Accused Ćorić’s Motion Seeking Renewal of Provisional Release”, rendered by the Chamber as a confidential document on 5 September 2012 (“Decision of 5 September 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, p. 1 and para. 13.

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 5 September 2012, p. 5.

CONSIDERING that in support of the Motion, the Čorić Defence argues that during his provisional release, the Accused Čorić 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 Čorić and compliance with the Chamber's conditions;⁶ that circumstances have remained unchanged since the Chamber's last decision to provisionally release the Accused Čorić;⁷ that the provisional release of the Accused Čorić 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 Čorić at the Tribunal is not required,⁹

CONSIDERING that in its Response, the Prosecution opposes 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,¹⁰

CONSIDERING that the Chamber notes that in the letter of 14 November 2012, the Government of the Republic of Croatia provided guarantees that if the provisional release of the Accused Čorić were extended by the Chamber, he would not influence or endanger victims, witnesses or any other persons whilst on provisional release and that he 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 5 September 2012, the Chamber notes that the Accused Čorić has complied with the conditions of his provisional release,

CONSIDERING, in light of the foregoing, that the Chamber is satisfied that should the provisional release of the Accused Čorić be extended, he would return to the UNDU; that he would not endanger victims, witnesses or any other persons and that, consequently, the conditions of Rule 65 (B) of the Rules have been met,

⁵ Motion, paras 8 and 9.

⁶ Motion, para. 10 and Annex.

⁷ Motion, paras 7 and 11.

⁸ Motion, para. 11.

⁹ Motion, para. 14.

¹⁰ Response, para. 1.

¹¹ Annex.

CONSIDERING that, since the Chamber deems that any request for provisional release for an unspecified period must be denied because it would be impossible for the Chamber to suitably assess the risk of flight, it decides, therefore, to limit the extension of the provisional release of the Accused Ćorić to three months,

CONSIDERING that the Chamber recalls furthermore that it can at any moment order the immediate return of the Accused Ćorić to the UNDU should it render the final judgement before the end date of the renewed provisional release set by the Chamber,

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

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 65 (B) 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 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,

AND,

REJECTS the Motion in all other respects.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this fourth day of December 2012

The Hague

The Netherlands

[Seal of the Tribunal]