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TRIAL CHAMBERS
CHAMBRES DE 1^{ère} INSTANCE

BLAŠKIĆ CASE: PROVISIONAL RELEASE OF THE ACCUSED TO BE DISCUSSED ON THURSDAY 19 DECEMBER.

Trial Chamber I, presided over by Judge Claude JORDA, will hold on **Thursday 19 December 1996 at 9.30 a.m.** a public hearing on two motions filed by the Accused's Defence counsels:

1. On 27 November 1996, the Defence filed a "Motion to compel the production of discovery materials".

This motion, to which the Prosecutor was to respond on 12 December 1996, is one of the five preliminary motions announced by the Defence.

Two others have already been filed: a motion "to strike portions of amended indictment alleging "failure to punish" liability" and a motion "in limine regarding mens rea required for charges alleging command responsibility and for bill of particulars re command responsibility portions of indictment".

A copy of these documents is available upon request at the Press and Information Office.

2. On 11 December 1996, the Defence filed a "Motion for provisional release".

The Defence's motion is based on three main arguments:

A. That the "exceptional circumstances" required by Rule 65 of the Rules of Procedure and Evidence "exist":

- General BLAŠKIĆ "voluntarily appeared before the Tribunal in April 1996. Indeed, he is the only person indicted by this Tribunal to voluntarily appear.(...)".
- The trial date initially set on 8 January 1997 has been vacated: "thus, unless released, General BLAŠKIĆ will be held in detention for more than one year before trial. Pretrial detention of such length impermissibly infringes upon the accused's right to be tried without undue delay.(...)".
- The Prosecutor "admitted that (...) she does not have sufficient evidence to proceed to trial at this time. This admission, more than one year after the [initial] indictment was issued, and one month before trial was originally set to begin, is truly exceptional and raises serious questions about whether the Prosecutor will ever be ready for trial.(...) The continued detention of General BLAŠKIĆ is inherently unjust".

B. That the Accused is prepared "to ensure his appearance at trial":

- *"It is illogical to assume that a man who voluntarily crossed international boundaries to place himself before the Tribunal will abscond if released from detention. (...). In fact, the Accused has even more reasons to pursue his right to a trial in light of the Prosecutor's revelation that she lacks sufficient evidence to prove the charges in the indictment"*.
- *The Accused is furthermore "prepared to submit to the imposition of whatever reasonable conditions the Trial Chamber believes are required to ensure his appearance at trial". The Defence suggests measures ranging from restrictions on the accused's ability to travel, or daily contact between the accused and representatives of the Tribunal, to the posting of a bail bond "such as DM 1 million".*

C. That the Accused "does not pose a danger to any victim or witness".

D. That "other considerations favor the release" of the Accused:

- *The Accused is "the father of two children, one eight months old and the other eight years (...)"*.
- *The Accused "will be better able to assist in the preparation of his defense if he is allowed to reside in Zagreb (...), where "one of his counsel resides", neither of his two counsels residing in The Hague.*

The Prosecutor will respond to the Defence's motion early next week.

The full text of the Defence's motion for provisional release is available upon request at the Press and Information Office.