



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: 11 March 2008
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Krister Thelin
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision: 11 March 2008

PROSECUTOR

v.

MOMČILO PERISIĆ

PUBLIC FILING

**DECISION ON ELEVENTH REQUEST FOR ALTERATION OF
CONDITIONS OF PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr. Mark B. Harmon

Counsel for the Accused:

Mr. James Castle
Mr. Novak Lukić

Republic of Serbia

THIS 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”) is seized of a motion filed by Counsel for Momčilo Perišić (“Counsel” and “Accused”, respectively) seeking a modification of the terms of provisional release and hereby renders a decision (“Decision”) thereon.

1. On 22 February 2008, Counsel filed the “Request for Alteration of Conditions of Provisional Release with Annex A” (“Motion”), in which he requests modification of the condition of the Accused’s provisional release that requires the Accused to remain within the confines of the municipality of Belgrade.¹ Specifically, Counsel requests permission for the Accused to travel to Koštunići, a town in Serbia, on the following dates: (i) 15 – 30 March 2008; and (ii) 15 – 30 April 2008.² The Accused wishes to travel to Koštunići to visit the graves of his brother and close family members, including his parents, and to offer his support and condolences to his brother’s widow, Vedrana Perišić,³
2. Counsel notes that the Accused has previously sought permission ten times from the Trial Chamber for a modification of the conditions of his provisional release, and that those requests were granted.⁴
3. Counsel also submits that the Accused has fully complied with the Chamber’s previous orders pertaining to his stay in Koštunići. Counsel attaches to the Motion an annex containing correspondence from the Ministry of Justice of the Republic of Serbia dated 19 February 2008. Counsel states that this correspondence confirms the Accused’s previous cooperation during his stay in Koštunići and compliance with the Trial Chamber’s conditions outlined in the decision of 9 June 2005. Counsel finally points out that the Ministry of Justice of the Republic of Serbia fully supports the request of the Accused.⁵
4. The Trial Chamber notes that the Prosecution has not responded to the Motion.
5. The Trial Chamber considers that sufficient reasons have been given, and sufficient guarantees provided, to warrant the temporary modification of the conditions of the Accused’s provisional release.

¹ *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-PT, Decision on Momčilo Perišić’s Motion for Provisional Release, 9 June 2005.

² Motion, para. 14(b).

³ Motion, paras 12, 14(a).

⁴ Motion, para. 2.

⁵ Motion, para. 13.

6. For these reasons, the Trial Chamber, pursuant to Rules 54 and 65 of the Rules of Procedure and Evidence of the Tribunal, **GRANTS** the Motion and **ORDERS** that:

(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 March 2008; and (ii) 15 – 30 April 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 at a sufficient time in advance of the departure date of each visit.

(c) The Government of the Republic of Serbia shall (i) between 15 March 2008 and 30 April 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 this Trial 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 this Trial Chamber's Decision of 9 June 2005 and this Decision; and (iii) immediately report to this Trial Chamber any breach of his provisional release conditions as set forth in this Trial Chamber's Decision of 9 June 2005 and this Decision.

7. 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 paragraph 6 above.

8. 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 text being authoritative.



Judge Patrick Robinson
Presiding

Dated this eleventh day of March 2008
At The Hague,
The Netherlands