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Tribunal Pénal
International pour
l'ex-Yougoslavie

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APPEALS CHAMBER
CHAMBRE D'APPEL

The Hague, 9 September 2004
JL/ P.I.S./892-e

APPEALS CHAMBER REJECTS PROSECUTION APPEAL AGAINST THE PROVISIONAL RELEASE OF JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALETIN ĆORIĆ AND BERISLAV PUŠIĆ

On 8 September 2004, a bench of the Appeals Chamber, comprised of Judges Meron (presiding), Pocar and Güney, rendered a Decision refusing the Office of the Prosecutor leave to appeal decisions by a Trial Chamber to provisionally release Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valetin Ćorić and Berislav Pusić and dissolving the Appeals Chamber's stay of the Trial Chamber's orders granting provisional release.

The six accused will be released in due course when the necessary arrangements have been made.

Background

On 30 July 2004, Trial Chamber I issued six decisions ordering the provisional release of the accused. The decisions of the Trial Chamber were filed on 2 August, the day of the commencement of the official August court recess. On 3 August, the Prosecution filed a motion before the duty judge requesting a stay of the Trial Chamber's orders of provisional release. In a decision rendered on 4 August, the duty judge remitted the Prosecution motion to the Trial Chamber and ordered that the six accused remain in custody pending resolution of the Prosecution motion by the Trial Chamber.

On 5 August, the Prosecution filed an application for leave to appeal the decisions of the Trial Chamber granting the provisional release of the accused, and on 6 August the Prosecution filed a motion requesting the Appeals Chamber to stay the Trial Chamber's provisional release orders, relying upon Rules 54, 64, 65 and 107 of the Rules of Procedure and Evidence and the inherent power of the Appeals Chamber to give effect to, control and carry out its own proceedings. A supplement to that motion was filed by the Prosecution on 9 August. The Prosecution requested that the Appeals Chamber grant its application for a stay regardless of the decision of the Trial Chamber on the motion remitted to it by the duty judge.

On 9 August, the Trial Chamber rendered its decision on the motion remitted to it by the duty judge, rejecting the Prosecution's application for a stay of its orders on the provisional release of the accused. On 10 August, the Appeals Chamber rendered its decision on the Prosecution's application for a stay pending before it and granted the Prosecution's application for a stay of the Trial Chamber's orders on provisional release.

The full text of the Appeals Chamber's Decision will be available on the Tribunal's website at www.un.org/icty in due course.

Internet address: <http://www.un.org/icty>

Public Information Services/Press Unit

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Tel.: +31-70-512-5356; 512-5343 Fax: +31-70-512-5355