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**UNITED  
NATIONS**



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: 6 March 2007  
Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson  
Judge Krister Thelin  
Judge Frank Höpfel

**Registrar:** Mr. Hans Holthuis

**Decision:** 6 March 2007

**PROSECUTOR**

v.

**MOMČILO PERISIĆ**

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

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**The Office of the Prosecutor:**

Mr. Mark B. Harmon  
Ms. Susan L. Somers

**Counsel for the Accused:**

Mr. James Castle

**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 seised of a motion filed by Counsel for Momčilo Perišić (“Counsel”) seeking a modification of the terms of his provisional release and hereby renders a decision (“Decision”) thereon.

1. On 16 February 2007, Counsel filed the “Request for Alteration of Conditions of Provisional Release and Annex A” (“Motion”), in which he requests modification of the condition of Mr Perišić’s (“Accused”) provisional release that requires the Accused to remain within the confines of the municipality of Belgrade. Specifically, Counsel requests permission for the Accused to travel to Koštunići, a town in Serbia approximately 130 km south of Belgrade, on the following dates: (i) 15-30 March 2007, (ii) 15-30 April 2007, (iii) 15-30 May 2007.<sup>1</sup> The Accused wishes to “travel to his (...) hometown to his brother’s home where he can visit his family and the graves of his close family members including his parents” and “seeks permission to visit his brother Radislav Perišić who lives with his wife Vedrana Perišić”.<sup>2</sup>
2. Counsel notes that the Accused has previously sought permission five times from the Trial Chamber for a modification of the conditions of his provisional release, and that those requests were granted.<sup>3</sup>
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 correspondence from the Ministry of Justice of the Republic of Serbia, “reflecting also the information received by the Ministry of Interior of Republic of Serbia confirming the Accused’s cooperation during his stay in Koštunići and compliance with the Trial Chamber’s conditions outlined in their decision of 9 June 2005.” Counsel further notes that “the Ministry of Justice in its statement fully supports the Accused’s request to be allowed to travel to Koštunići”.<sup>4</sup>
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 have been provided, to warrant the temporary modification of the conditions of the Accused’s provisional release.

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<sup>1</sup> Motion, para. 9.

<sup>2</sup> Motion, para. 9.

<sup>3</sup> Motion, paras. 2-7.

<sup>4</sup> Motion, para. 8; confidential Annex A to the Motion.

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, the graves of his close family members, and his brother at 32308 Pranjani, Koštunići, Gornji Milanovac, Republic of Serbia on (i) 15-30 March 2007, (ii) 15-30 April 2007, and (iii) 15-30 May 2007.
  - (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 least seven days in advance of the departure date of each visit.
  - (c) The Government of the Republic of Serbia shall (i) between 15 March 2007 and 30 May 2007 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.



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Judge Patrick Robinson  
Presiding

Dated this sixth day of March 2007  
At The Hague,  
The Netherlands