

UNITED
NATIONS

IT-04-81-PT
D9442-D9440
06 JUNE 2007

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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: 06 June 2007
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson
Judge Krister Thelin
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision: 06 June 2007

PROSECUTOR

v.

MOMČILO PERISIĆ

PUBLIC FILING

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

The Office of the Prosecutor:

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

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”) seeking a modification of the terms of his provisional release and hereby renders a decision (“Decision”) thereon.

1. On 22 May 2007, Counsel filed the “Request for Alteration of Conditions of Provisional Release with Annex A” (“Motion”), in which he requests modification of the condition of Momčilo 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 June 2007, (ii) 15-30 July 2007, (iii) 15-30 August 2007.¹ 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”.²
2. Counsel notes that the Accused has previously sought permission six times from the Trial Chamber for a modification of the conditions of his provisional release, and that those requests were granted.³
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 dated 7 May 2007, “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.”⁴ Counsel further notes that “the Ministry of Justice in its statement fully supports the Accused’s request to be allowed to travel to Koštunići”.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 have been provided, to warrant the temporary modification of the conditions of the Accused’s provisional release.

¹ Motion, para. 10 (b).

² Motion, para. 10 (a).

³ Motion, paras 2-8.

⁴ Motion, para. 9.

⁵ Motion, para. 9; 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, municipality of Gornji Milanovac, Republic of Serbia on (i) 15-30 June 2007, (ii) 15-30 July 2007, and (iii) 15-30 August 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 June 2007 and 30 August 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.



Judge Patrick Robinson
Presiding

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