



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: 08 May 2008

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding Judge
Judge Christine Van Den Wyngaert
Judge Bakone Justice Moloto

Registrar: Mr. Hans Holthuis

Decision of: 08 May 2008

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

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

The Office of the Prosecutor

Mr. Mark Harmon
Mr. Evangelos Thomas

Counsel for the Defence

Mr. James Castle
Mr. Novak Lukić

Republic of Serbia

via the Embassy of the Republic of Serbia
to The Netherlands, The Hague

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TRIAL CHAMBER I (“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”);

BEING SEISED of “Request for Alteration of Conditions of Provisional Release with Confidential Annex A, filed partly confidentially on 2 May 2008 (“Request”), in which the Defence requests modification of the Accused’s provisional release that requires the Accused to remain within the confines of the municipality of Belgrade;¹

NOTING that the Defence requests, specifically, permission for the Accused to travel to Koštunići, a town in Serbia, as he wishes to visit the graves of his parents and his brother and offer support to his brother’s widow on the following dates: (i) 15 – 31 May 2008; (ii) 15 – 30 June 2008 and (iii) 15 July – 31 July 2008;²

NOTING however that the Defence withdrew the request in relation to the period of July due to the scheduling of the Pre-Trial Conference on 21 July 2007 and the Opening Statement of the Prosecution on 24 July 2007;³

NOTING that the Defence submits that the Accused has previously sought permissions eleven times from the Chamber for a modification of the conditions of his provisional release, that those requests were granted and that the Accused has fully complied with the Chamber’s previous decisions pertaining to his stay in Koštunići;⁴

NOTING the correspondence of the Ministry of Justice of Republic of Serbia dated 28 April 2008 attached to the Request wherein the Ministry of Justice states that the Serbian police are able to put in place all the necessary measures to guarantee the security of the Accused and confirms the Accused’s compliance with the Chamber’s conditions set forth in its previous decisions;⁵

NOTING that the Prosecution has not responded to the Motion;⁶

CONSIDERING 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 The Provisional release of the Accused was decided by the Chamber on 9 June 2005: *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-PT, Decision on Momčilo Perišić’s Motion for Provisional Release, 9 June 2005 (“Chamber’s Decision of 9 June 2005”).

² Request, para. 3.

³ Scheduling Order, 8 May 2008; Status Conference of 6 May 2008, T. 169.

⁴ Request, paras 2, 3.

PURSUANT to Rules 54 and 65 of the Rules of Procedure and Evidence of the Tribunal,

GRANTS the Request 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 – 31 May 2008 and (ii) 15 – 30 June 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 May 2008 and 30 June 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 the 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 the Chamber's Decision of 9 June 2005 and this Decision; and (iii) immediately report to this Chamber any breach of his provisional release conditions as set forth in this Trial Chamber's Decision of 9 June 2005 and this Decision.

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 subparagraphs (a) to (c) above.

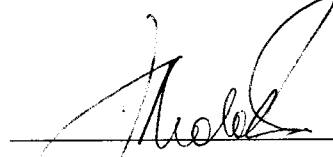
The Trial Chamber requests that the Registrar serve this Decision on the Government of the Republic of Serbia.

Done in English and French, the English text being authoritative.

Done in English and French, the English version being authoritative.

⁵ Request, para. 4; Annex A.

⁶ Status Conference of 6 May 2008, T. 138.


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Judge Bakone Justice Moloto
Acting Presiding Judge

Dated this eight day of May 2008
At The Hague
The Netherlands

[Seal of the Tribunal]