



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

Case No. IT-04-74-PT
Date: 20 August 2004
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Inés Mónica Weinberg de Roca, Duty Judge
Registrar: Mr. Hans Holthuis
Order: 20 August 2004

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ČORIĆ
BERISLAV PUŠIĆ**

**DECISION ON DEFENCE MOTIONS FOR
RECONSIDERATION AND MOTION FOR CLARIFICATION**

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused Jadranko Prlić:

Mr. Čamil Salahović
Mr. Želimir Par

Counsel for the Accused Slobodan Praljak:

Mr. Božidar Kovačić
Ms. Nika Pinter

Counsel for the Accused Bruno Stojić:

Mr. Željko Olujić

Counsel for the Accused Milivoj Petković:

Ms. Vesna Alaburić

Counsel for the Accused Berislav Pušić:

Mr. Marinko Škobić

Counsel for the Accused Valentin Čorić:

Mr. Tomislav Jonjić

I, Inés Mónica Weinberg de Roca, Duty Judge 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 (“International Tribunal”),

BEING SEISED of (i) a “Notice of the Accused Slobodan Prljak Regarding Immediate Execution of Trial Chamber 30th July 2004 Decision on Provisional Release” filed on 5 August 2004, (ii) a “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4 August 2004” filed on behalf of the accused Jadranko Prlić on 5 August 2004, (iii) a “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4th August 2004” filed on behalf of the accused Valentin Ćorić on 5 August 2004,¹ and (iv) “The Accused Slobodan Prljak’s Urgent Request for Immediate Implementation of 2 August 2004 Trial Chamber’s Order on Provisional Release” filed on 5 August 2004 (collectively, “Defence Motions”), requesting that the Duty Judge to reconsider the “Order on Prosecutor’s Motion to Stay Orders on Provisional Release” issued on 4 August 2004 (“Initial Order”),

NOTING that the Prosecutor filed before the Duty Judge on 3 August 2004 a “Prosecutor’s Motion to Stay Orders on Provisional Release Concerning the Accused Jadranko Prlić, Bruno Stojić, Slobodan Prljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić Pursuant to Rules 65 and 127” (“Prosecution’s Motion”) for an order to stay the decisions of Trial Chamber I, issued on 2 August 2004, granting provisional release to the Accused Jadranko Prlić, Bruno Stojić, Slobodan Prljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić (“Impugned Orders”),

NOTING that, in the Initial Order, I considered that it was not appropriate for me, acting as a single Judge, to consider the Prosecution’s Motion and accordingly remitted the application to Trial Chamber I for determination,

NOTING the “Decision on Prosecution’s Motion for Stay of Orders on Provisional Release of Accused” issued by Trial Chamber I on 9 August 2004 (“Decision of Trial Chamber I”) rejecting the Prosecution’s Motion,

CONSIDERING that, in light of the Decision of Trial Chamber I, the relief sought in the Defence Motions has *ipso facto* become moot,

¹ The Accused Berislav Pušić filed a notice of joinder to the “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4 August 2004” filed on behalf of the accused Jadranko Prlić and the “Request for Reconsideration of the Order on Prosecution’s Motion to Stay Orders on Provisional Release of 4th August 2004” filed on behalf of the accused Valentin Ćorić on 5 August 2004.

NOTING the “Order on the Prosecution’s Motion for a Stay” issued by the Appeals Chamber on 10 August 2004 granting a Prosecution’s application for a stay of the Impugned Orders until a decision by a bench of the Appeals Chamber on the Prosecution’s application for leave to file an interlocutory appeal in respect of the Impugned Orders (“Decision of the Appeals Chamber”),

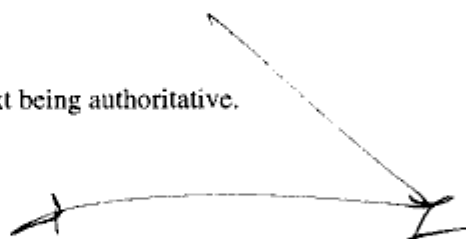
NOTING FURTHER “the Accused Milivoj Petković’s Motion for Clarification of the Legal Status of the Accused in Respect of the Trial Chamber’s Decision on Prosecution’s Motion for Stay of the Orders on Provisional Release of the Accused and the Appeals Chamber’s Order on the Prosecution’s Motion for Stay” filed before me on 11 August 2004 (“Motion for Clarification”),² seeking clarification on the effect of the Decision of the Appeals Chamber,

CONSIDERING that the same Motion for Clarification has been filed before the Appeals Chamber, I therefore dismiss it,

PURSUANT TO Rules 28 and 54 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY DISMISS the Defence Motions and the Motion for Clarification.

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



Judge Inés Mónica Weinberg de Roca
Duty Judge

Dated this twentieth day of August 2004
At The Hague
The Netherlands

[Seal of the Tribunal]

² The Accused Slobodan Praljak filed on 12 August 2004, a notice of joinder to the “The Accused Milivoj Petković’s Motion for Clarification of the Legal Status of the Accused in Respect of the Trial Chamber’s Decision on Prosecution’s Motion for Stay of the Orders on Provisional Release of the Accused and the Appeals Chamber’s Order on the Prosecution’s Motion for Stay” filed on 11 August 2004.