



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-T  
Date: 29 November 2007  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti  
Judge Árpád Prandler  
Judge Stefan Trechsel  
Reserve Judge Antoine Kesia-Mbe Mindua

**Registrar:** Mr Hans Holthuis

**Decision of:** 29 November 2007

**THE PROSECUTOR**

v.

Jadranko PRLIĆ  
Bruno STOJIĆ  
Slobodan PRALJAK  
Milivoj PETKOVIĆ  
Valentin ČORIĆ  
Berislav PUŠIĆ

***PUBLIC WITH CONFIDENTIAL ANNEX***

**DECISION ON THE MOTION FOR PROVISIONAL RELEASE OF THE  
ACCUSED ČORIĆ**

**The Office of the Prosecutor:**

Mr Kenneth Scott  
Mr Douglas Stringer

**Counsel for the Accused:**

Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Čorić

**The Republic of Croatia**

**TRIAL CHAMBER III** (“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”),

**SEIZED** of “Valentin Ćorić’s Motion for Provisional Release” and its two annexes, filed confidentially by Counsel for the Accused Valentin Ćorić (“Defence for the Accused Ćorić”) on 13 November 2007 (“Accused Ćorić’s Motion”), wherein the Defence for the Accused Ćorić requests his provisional release, first during the winter judicial recess from 14 December 2007 to 13 January 2008, and second during the period beginning 24 January and ending 12 March 2008,

**NOTING** the “Prosecution Consolidated Response to Defence Applications for Provisional Release During Winter Recess” filed confidentially by the Office of the Prosecutor (“Prosecution”) on 15 November 2007 (“Response”),

**CONSIDERING** that in support of the Motion, the Defence for the Accused Ćorić submits that: (1) Valentin Ćorić surrendered voluntarily to the Tribunal; (2) while on earlier release the Accused Ćorić fully complied with the conditions imposed by the Trial Chamber in its decisions on provisional release; (3) the authorities of Bosnia and Herzegovina and of the Republic of Croatia pledged that the Accused Ćorić would comply with the conditions imposed by the Tribunal should the application for provisional release be granted by the Chamber and guaranteed that the Accused Ćorić would return to The Hague at the request of the Chamber; (4) the Accused Ćorić personally pledged to fully comply with all the conditions of provisional release imposed by the Tribunal, and finally (5) the Accused Ćorić wishes to visit his family, in particular his spouse and five-year-old daughter, and undergo some medical tests,

**CONSIDERING** that the Accused Ćorić requests provisional release in the territory of the Republic of Croatia and in that of the Republic of Bosnia and Herzegovina and that, in support of the latter request, he submits that he wishes to meet with his family in his family home,

**CONSIDERING** that in the Response, the Prosecution again opposes the provisional release of all the Accused because none of the reasons given by the Accused in

support of their motions for provisional release constitute humanitarian grounds for release,

**CONSIDERING** alternatively that should the Chamber grant the Accused Ćorić's Motion, the Prosecution requests that: (1) the Accused Ćorić be prohibited from setting foot or travelling in Bosnia and Herzegovina; (2) the Accused Ćorić be prohibited from having any contact with any witness, potential witness (be it a witness called by the Prosecution, Defence or the Chamber) or victim; (3) the Accused Ćorić be prohibited from discussing the case with anyone other than his Counsel and (4) from having any contact with the media,

**CONSIDERING** that pursuant to Rule 65 (B) of the Rules of Procedure and Evidence ("Rules") the Chamber may order provisional release "only if it is satisfied that the accused will appear for trial and, if released, will not pose a danger to any victim, witness or other person",

**CONSIDERING** that the Accused Ćorić, while on earlier releases, complied with all the conditions imposed by the Trial Chambers in the order dated 30 July 2004<sup>1</sup> and confidential decisions dated 30 November 2004,<sup>2</sup> 9 March 2005,<sup>3</sup> 17 May 2005,<sup>4</sup> 15 July 2005,<sup>5</sup> 7 October 2005,<sup>6</sup> 13 June 2006,<sup>7</sup> 26 June 2006,<sup>8</sup> 8 December 2006,<sup>9</sup> and 11 June 2007,<sup>10</sup>

**CONSIDERING** that the host country has not objected to any provisional release proceedings,<sup>11</sup>

<sup>1</sup> *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Order on Provisional Release of Valentin Ćorić, 30 July 2004.

<sup>2</sup> *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Order on Valentin Ćorić's Application for Variation of Conditions of Provisional Release, 30 November 2004.

<sup>3</sup> *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Ćorić's Second Application for Variation of Conditions of Provisional Release, 9 March 2005.

<sup>4</sup> *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Ćorić's Urgent Motion for Variation of Conditions of Provisional Release, 17 May 2005.

<sup>5</sup> *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Valentin Ćorić's Fourth Revised Motion for Variation of Conditions of Provisional Release, 15 July 2005.

<sup>6</sup> *The Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision to Grant Valentin Ćorić's Fifth Application for Variation of Conditions of Provisional Release, 7 October 2005.

<sup>7</sup> Order on the Urgent Motion for Provisional Release of Valentin Ćorić, 13 June 2006.

<sup>8</sup> Decision on Motion for Provisional Release of the Accused Ćorić, 26 June 2006.

<sup>9</sup> Decision on the Motion for Provisional Release of the Accused Ćorić, 8 December 2006.

<sup>10</sup> Decision on the Motion for Provisional Release of the Accused Ćorić, 11 June 2007.

<sup>11</sup> See letter from the Ministry of Foreign Affairs dated 15 November 2007.

**CONSIDERING** that in its letters of 5 November 2007, the authorities of the Republic of Croatia and the Herzegovina-Neretva canton respectively pledged that the Accused Čorić would comply with the conditions imposed by the Tribunal should the application for provisional release be granted by the Chamber and guaranteed that the Accused Čorić would return to The Hague at the request of the Chamber,

**CONSIDERING** that the Accused Čorić pledges to fully comply with all the conditions for provisional release imposed by the Tribunal;

**CONSIDERING** in addition that, given the Accused's appropriate behaviour while on earlier provisional release, the Chamber is satisfied that, if released, the Accused Čorić will return for the resumption of his trial and not pose a danger to any victim, witness or other person,

**CONSIDERING** therefore that the conditions set out in Rule 65 of the Rules have been met,

**CONSIDERING** furthermore that the Chamber will adjourn proceedings for the winter 2007/2008 judicial recess and that during this period the presence of the Accused Čorić will not be required in court,

**CONSIDERING** that the application for provisional release submitted by the Accused Čorić to visit his close family may be considered as a request based on humanitarian grounds and may warrant the granting of provisional release for a limited period of time,

**CONSIDERING** therefore that the Chamber decides to grant the provisional release of the Accused Čorić,

**CONSIDERING**, however, that in order to guarantee the security of the Accused Čorić and to prevent any contact with witnesses or victims, the provisional release of the Accused Čorić should be limited to the territory of the Republic of Croatia,

**CONSIDERING** in addition that the provisional release should be limited to a short period, including return travel,

**CONSIDERING** that such a short visit will enable the police authorities of the Republic of Croatia to carry out effective surveillance of the Accused Čorić, thereby providing an additional guarantee that he will appear for the resumption of trial after the judicial recess,

**CONSIDERING** that as regards the application for provisional release between 24 January 2008 and 12 March 2008, the Chamber notes that the “Scheduling Order” rendered by the Chamber on 22 October 2007 has since been amended,<sup>12</sup> that the Chamber will be sitting until 6 February 2008<sup>13</sup> and that, consequently, the request in this respect is moot,

**CONSIDERING** that the Chamber is of the opinion that during his stay in the Republic of Croatia the Accused Čorić must be under continuous surveillance by the authorities of the Republic of Croatia in order to guarantee his safety and appearance for the resumption of trial,

**CONSIDERING** therefore that the Accused Čorić will be provisionally released during the dates and subject to the conditions set out in the confidential annex to this decision,

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rule 65 of the Rules,

**DISMISSES** as moot the application for provisional release between the period beginning 24 January 2008 and ending 12 March 2008,

**PARTIALLY GRANTS** Valentin Čorić’s Motion, **AND**

**ORDERS** the provisional release of the Accused Čorić during the dates and subject to the conditions set out in the confidential annex to this decision,

**DENIES** Valentin Čorić’s Motion in all other respects,

**JUDGE ANTONETTI** appending a dissenting opinion as regards the public nature of the present decision.

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<sup>12</sup> Second Modified Scheduling Order, 22 November 2007.

<sup>13</sup> *Ibid.*

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

*/signed/*

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Jean-Claude Antonetti  
Presiding Judge

Done this twenty-ninth day of November 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**