



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: 19 February 2008
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: 19 February 2008

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 Čorić’s Request for Provisional Release”, and its two confidential annexes, filed confidentially by Counsel for the Accused Valentin Čorić (“Defence for the Accused Čorić”) on 29 January 2008 (“Request”), in which the Defence for the Accused Čorić requests, for humanitarian reasons, his provisional release to the Republic of Croatia, after the Rule 98 *bis* decision and up to 4 May 2008,

NOTING the “Prosecution Consolidated Response to Defence Applications for Provisional Release of the Accused Prlić, Stojić, Praljak, Petković and Čorić Prior to the Defence Case”, filed confidentially by the Office of the Prosecutor (“Prosecution”) on 5 February 2008 (“Response”),

NOTING the “Joint Waiver of Right to Attend Status Conferences”, filed confidentially by Counsel for the Accused Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković and Valentin Čorić (“Accused”) on 11 February 2008, in which the Accused renounce their right to be present at two meetings scheduled by the Chamber pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“Rules”),

CONSIDERING that in support of the Request, the Defence for the Accused Čorić submits that: (1) the Accused Čorić surrendered voluntarily to the Tribunal; (2) while on earlier release the Accused Čorić fully complied with the conditions imposed by the Trial Chamber in its decisions on provisional release; (3) the authorities of the Republic of Croatia pledge that the Accused Čorić will comply with the conditions imposed by the Tribunal should the application for provisional release be granted by the Chamber and guarantee that the Accused Čorić will return to The Hague at the request of the Chamber, and finally (4) the Accused Čorić wishes to undergo some medical tests and visit his family, in particular his spouse and young child, who suffers from ill health,

CONSIDERING that in the Response, the Prosecution opposes the provisional release of all the Accused on the ground that the periods they have requested are excessive and 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 Request, 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 witnesses or victims; (3) the Accused Ćorić be prohibited from discussing the case with anyone other than his Counsel; (4) the Accused Ćorić be prohibited from having any contact with the media, and finally (5) the provisional release not be granted prior to the oral decision rendered pursuant to Rule 98 *bis*,

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 2004¹ and confidential decisions dated 30 November 2004,² 9 March 2005,³ 17 May 2005,⁴ 15 July 2005,⁵ 7 October 2005,⁶ 13 June 2006,⁷ 26 June 2006,⁸ 8 December 2006,⁹ 11 June 2007,¹⁰ and 29 November 2007,¹¹

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

² *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.

³ *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.

⁴ *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.

⁵ *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.

⁶ *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.

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

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

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

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

¹¹ Decision on the Motion for Provisional Release of the Accused Ćorić, 29 November 2007.

CONSIDERING that the host country has not objected to any provisional release proceedings,¹²

CONSIDERING that in a letter dated 22 January 2008, the authorities of the Republic of Croatia pledged that should the application for provisional release be granted by the Chamber, the Accused Čorić will not influence or pose a danger to any victim, witness or other person while on provisional release and will return to The Hague on the date ordered by the Chamber,¹³

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

CONSIDERING in addition that, given his 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 that the provisional release of the Accused Čorić in the Republic of Croatia could facilitate the preparation of the defence case with his Counsel, who are also expected to be there,

CONSIDERING moreover that, in an annex to the Request, the Defence for the Accused Čorić has provided medical certificates attesting to the fact that the Accused Čorić's daughter suffers from ill health,

CONSIDERING that the application for provisional release submitted by the Accused Čorić to visit his ailing daughter and close family may be considered as a request based on humanitarian grounds and may justify the granting of a short period of provisional release,

CONSIDERING furthermore that the Chamber will adjourn proceedings from 21 February 2008 to 4 May 2008 and that during this period, the presence of the Accused

¹² See the letter from the Dutch Ministry of Foreign Affairs dated 31 January 2008.

Ćorić will be required only to attend, should the need arise, the two meetings on 17 and 26 March 2008, which were scheduled by the Chamber pursuant to Rule 65 *ter* of the Rules, and the pre-Defence conference pursuant to Rule 73 *ter* of the Rules, scheduled for 21 April 2008,¹⁴

CONSIDERING as a result that in the exercise of its discretionary power, the Chamber authorizes the provisional release of the Accused Ćorić,

CONSIDERING, however, that in order to guarantee the security of the Accused Ćorić and to prevent any contact with witnesses or victims, the provisional release of the Accused Ćorić 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 Ćorić, thereby providing an additional guarantee that he will appear for the resumption of trial,

CONSIDERING that the Chamber is of the opinion that during his stay in the Republic of Croatia, the Accused Ćorić 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 Ćorić will be provisionally released during the dates and subject to the conditions set out in the confidential annex to this decision,

FOR THESE REASONS,

IN ACCORDANCE with Rule 65 of the Rules,

PARTIALLY GRANTS the Request,

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

DENIES the Request in all other respects,

¹⁴ See the letter from the Ministry of Justice of the Republic of Croatia in the annex to the Request, dated 22 January 2008.

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

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this nineteenth day of February 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

¹⁴ Decision on Motion for Extension of Time for the Commencement of the Defence Case and Adopting a New Schedule, 28 January 2008 and Scheduling Order, 14 February 2008.