



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: 21 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: 21 February 2008

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON PROSECUTION REQUEST FOR STAY OF THE DECISIONS
ON MOTIONS FOR PROVISIONAL RELEASE**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A. A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

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 the “Prosecution Consolidated Request pursuant to Rule 65 (E) for a Stay of Provisional Release regarding the Accused Prlić, Stojić, Praljak, Petković and Čorić prior to the Defence Case and Variation of Time-Limit pursuant to Rule 127 (a) (i)”, filed 21 February 2008 (“Request”), in which the Office of the Prosecutor (“Prosecution”) requests the Chamber to stay the decisions on the motions for provisional release of the Accused Prlić, Stojić, Praljak, Petković and Čorić, rendered by the Chamber on 19 February 2008, until the commencement of the Defence case,

NOTING the “Decision on the Motion for Provisional Release of the Accused Prlić”, the “Decision on the Motion for Provisional Release of the Accused Stojić”, the “Decision on the Motion for Provisional Release of the Accused Praljak”, the “Decision on the Motion for Provisional Release of the Accused Petković”, and the “Decision on the Motion for Provisional Release of the Accused Čorić”, rendered publicly by the Chamber on 19 February 2008, to which confidential annexes are attached, in which the Chamber partially granted the motions for provisional release of the Accused,

CONSIDERING that the Prosecution recognizes that, in its response to the initial motions by the Accused for provisional release,¹ it did not request a stay of a decision to release the Accused, as provided for in Rule 65 (E) of the Rules of Procedure and Evidence (“Rules”),

CONSIDERING that the Prosecution submits, however, that there is good cause under Rule 127 (A) (i) for enlarging the time-limit provided for in Rule 65 (E) of the Rules,

CONSIDERING that the Prosecution submits in this respect that the oral decision rendered by the Chamber on 20 February 2008 pursuant to Rule 98 *bis* of the Rules,

¹ 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 on 5 February 2008 (“Response”).

in which the Chamber dismissed the motions for acquittal presented by the Accused Ćorić and Pušić, increases the flight risk of all of the Accused,

CONSIDERING that Rule 65 (E) of the Rules provides that the Prosecution may request the Chamber to stay its decision to release an Accused on the basis that it intends to appeal the decision, but that this application must be made at the time of filing of its response to the initial motion for provisional release by the Accused,

CONSIDERING that the Prosecution failed to comply with the time-limits provided for in Rule 65 (E) of the Rules; that the Response was filed on 5 February 2008, when the procedure under Rule 98 *bis* was already under way and when Counsel for the Accused Ćorić and Pušić had already presented their oral arguments pursuant to Rule 98 *bis* of the Rules,

CONSIDERING as a result that the entry of a decision pursuant to this Rule was already anticipated and that the Prosecution could have envisioned that the Chamber would dismiss the motions for acquittal,

CONSIDERING that the Chamber does not deem that the decision rendered in this respect constitutes good cause for varying the time-limits under Rule 65 (E) of the Rules and consequently decides to dismiss the Request,

FOR THESE REASONS,

IN ACCORDANCE with Rule 65 *ter* (E) of the Rules,

DISMISSES the Request.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this 21st day of February 2008
At The Hague
The Netherlands

[Seal of the Tribunal]