



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: 6 June 2012  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

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

**Registrar:** Mr John Hocking

**Decision of:** 6 June 2012

**THE PROSECUTOR**

v.

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

***PUBLIC***

**PUBLIC REDACTED VERSION OF ORDER ON MOTION TO EXTEND  
PROVISIONAL RELEASE OF JADRANKO PRLIĆ**

**The Office of the Prosecutor:**

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 Ms Nika Pinter and Natacha Fauveau-Ivanović for Slobodan Praljak  
Ms Vesna Alaburić and Mr Zoran Ivanišević 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 “Jadranko Prlić’s Motion to Extend His Provisional Release”, filed as a confidential document by Counsel for the Accused Jadranko Prlić (“Accused” and “Prlić Defence”) on 24 May 2012 (“Motion”), with two confidential annexes, in which the Prlić Defence asks the Chamber to (1) extend the provisional release of the Accused Prlić by three months, and (2) to allow the Accused to stay in [REDACTED],<sup>1</sup>

**NOTING** the “Prosecution Response to Jadranko Prlić’s Motion to Extend His Provisional Release”, filed by the Office of the Prosecutor (“Prosecution”) as a confidential document on 31 May 2011 (“Response”), in which the Prosecution opposes the Motion,<sup>2</sup>

**NOTING** the “Decision on Jadranko Prlić’s Motion for Provisional Release”, rendered by the Chamber as a public document with one confidential and one public annex on 24 November 2011 (“Decision of 24 November 2011”), in which the Chamber ordered the provisional release to Zagreb of the Accused Prlić for a limited period and established the procedure to be followed for any request to extend this provisional release,<sup>3</sup>

**CONSIDERING** that in the Motion the Prlić Defence submits that during his release, the Accused Prlić has complied with the conditions imposed by the Chamber in the Decision of 24 November 2011 and in the Order of 1 March 2012, authorising the extension by three months of the provisional release;<sup>4</sup> that in its Decision of 23 April 2012, the Appeals Chamber upheld the Decision of 24 November 2011;<sup>5</sup> that the Accused Prlić would like to be able to go [REDACTED]; that the Government of Croatia has once again provided guarantees for the return of the Accused and that

---

<sup>1</sup> Motion, p. 2.

<sup>2</sup> Response, para. 10.

<sup>3</sup> Decision of 24 November 2011, p. 13 and public Annex 2 to the Decision of 24 November 2011.

<sup>4</sup> “Redacted and Public Version of the Order on Jadranko Prlić’s Motion to Extend His Provisional Release”, public, 1 March 2012 (“Order of 1 March 2012”).

there are no new circumstances that could militate against extending the release of the Accused,<sup>6</sup>

**CONSIDERING** that in support of its Response the Prosecution submits, in particular, that the Prlić Defence did not justify the request to extend the provisional release of the Accused Prlić and simply referred the Chamber to the arguments presented in its previous motions; that the reasons that justified its request to extend the release of the Accused [REDACTED] are not sufficient to justify the present request for extension, which would mean that the Accused was free for an overall period of [REDACTED],<sup>7</sup>

**CONSIDERING** that the Prosecution submits, moreover, that the Prlić Defence has also not justified its request for the Chamber to allow the Accused Prlić to stay in [REDACTED],<sup>8</sup>

**CONSIDERING** that the Prosecution also claims that, according to the regime established by the Chamber and upheld by the Appeals Chamber, provisional release of an Accused is practically automatic as long as he does not violate the conditions of his provisional release; that the Chamber simply extends the provisional release of the Accused without him having to return to the United Nations Detention Unit (“UNDU”); that in this way the Chamber no longer evaluates whether the Accused will return to the UNDU when it orders him to do so; that the Chamber simply confirms that the conditions of provisional release imposed [REDACTED] continue to be observed, which cannot in any way replace an assessment of the flight risk and that with each extension of the provisional release, it becomes more difficult for the Chamber to make this assessment,<sup>9</sup>

**CONSIDERING** that the Chamber notes that in its letter of 15 May 2012, the Government of the Republic of Croatia provided the guarantees that, should the Chamber decide to extend the provisional release of the Accused Prlić, he would not

---

<sup>5</sup> IT-04-74-AR65.31, *The Prosecutor v. Prlić et al.*, “Decision on the Prosecution’s Appeal of the Decision on Further Extension of Jadranko Prlić’s Provisional Release”, public, 23 April 2012 (“Decision of 23 April 2012”).

<sup>6</sup> Motion, pp. 1 and 2 and Annex 1.

<sup>7</sup> Response, paras 2 and 3.

<sup>8</sup> Response, para. 4.

<sup>9</sup> Response, paras. 6 to 8.

influence or endanger any victims, witnesses or other persons during his provisional release and would return to The Hague on the date ordered by the Chamber,<sup>10</sup>

**CONSIDERING** that in light of the reports provided by the Croatian authorities pursuant to the Decision of 24 November 2011, the Chamber deems that the Accused Prlić has complied with the conditions of his provisional release,

**CONSIDERING** that the Chamber is not persuaded by the Prosecution's argument that an extended provisional release could be in itself a factor that increases the flight risk of the Accused,<sup>11</sup>

**CONSIDERING** that the Chamber notes that the Prosecution has not presented any evidence or indication of any flight risk of the Accused Prlić and that, on the contrary, the Prosecution itself acknowledges that the Accused complied with all the conditions imposed by the Chamber in relation to his provisional release,

**CONSIDERING** that the Chamber is of the opinion that the fact that the conditions of the provisional release were respected and that guarantees were provided by the Republic of Croatia for each new request to extend the provisional release is sufficient to assess whether the requirements under Rule 65 (B) of the Rules of Procedure and Evidence ("Rules") have been met,

**CONSIDERING** that, in view of the above, the Chamber is satisfied that, should his provisional release be extended, the Accused Prlić will return to the UNDU; that he will not pose a threat to victims, witnesses or other persons and that, consequently, the requirements under Rule 65 (B) of the Rules have been met,

**CONSIDERING**, however, that the Chamber finds like the Prosecution<sup>12</sup> that the Prlić Defence has not presented any argument justifying its request for a modification of the conditions of the provisional release of the Accused to allow him to stay in [REDACTED],<sup>13</sup>

**CONSIDERING** that the Chamber recalls in this respect that the conditions for the Accused Prlić are imposed not only in order to guarantee that he will not endanger

---

<sup>10</sup> Annex 1 to the Motion.

<sup>11</sup> Response, paras 6 to 8.

<sup>12</sup> Response, para. 4.

<sup>13</sup> Motion, pp. 1 and 2.

victims or witnesses and will return to the UNDU as soon as the Chamber so orders, but also to eliminate the effect that his release could have on the victims of the alleged crimes in this case,<sup>14</sup> and that the Chamber could not relax them without a sufficiently compelling reason,

**CONSIDERING** that in view of the above, the Chamber deems that an extension of the provisional release of the Accused Prlić for a limited period and under the same conditions as those imposed by the Decision of 24 November 2011, in particular those referring to the place of residence, would allow the Chamber to keep control over the progress of this provisional release,

---

<sup>14</sup> Order of 1 March 2012, p. 5.

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rule 65 (B) of the Rules,

**GRANTS IN PART** the Motion,

**DECIDES** to extend the provisional release of the Accused Prlić until [REDACTED],

**DECIDES** that the conditions of the provisional release set forth in confidential Annex 1 and Annex 2 to the Decision of 24 November 2011 shall apply *mutatis mutandis* to the present Decision,

**AND**

**DENIES** the Motion in all other respects.

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

*/signed/*

---

Jean-Claude Antonetti  
Presiding Judge

Done this sixth day of June 2012  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**