



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: 5 September 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:** 5 September 2012

**THE PROSECUTOR**

v.

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

***PUBLIC***

**PUBLIC REDACTED VERSION OF “ORDER ON ACCUSED JADRANKO  
PRLIĆ’S MOTION TO EXTEND HIS PROVISIONAL RELEASE”**

**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  
Ms Nika Pinter and Ms 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 21 August 2012 (“Motion”), to which a confidential annex is attached, in which the Prlić Defence asks the Chamber to extend the provisional release of the Accused Prlić by three months,

**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 4 September 2012 (“Response”), to which a confidential annex is attached, in which the Prosecution does not object to the said Motion,<sup>1</sup>

**NOTING** the “Decision on Jadranko Prlić’s Motion for Provisional Release”, rendered as a public document by the Chamber with one confidential and one public annex on 24 November 2011 (“Decision of 24 November 2011”), in which the Chamber ordered the provisional release of the Accused Prlić to Zagreb for a limited period of time and set out the procedure to be followed for any requests to extend the said release,<sup>2</sup>

**NOTING** the “Public Redacted Version of Order on Motion to Extend Provisional Release of Jadranko Prlić”, rendered as a public document on 6 June 2012 (“Order of 6 June 2012”), in which the Chamber extended the provisional release of the Accused Prlić under the same conditions as those set out in the Decision of 24 November 2011,<sup>3</sup>

**CONSIDERING** that in the Motion, the Prlić Defence argues that during his release, the Accused Prlić complied with the conditions set out by the Chamber in its Decision of 24 November 2011 and the subsequent decisions extending his provisional release; that the Government of the Republic of Croatia once again provided guarantees to ensure that the Accused would reappear and that there were no new circumstances that could militate against extending the provisional release of the Accused,<sup>4</sup>

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<sup>1</sup> Response, para. 1.

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

**CONSIDERING** that the Prosecution, in light of the previous decisions from the Chamber and the Appeals Chamber, does not object to the Motion provided that all the conditions previously imposed on the provisional release remain the same,

**CONSIDERING** that the Prosecution draws the Chamber's attention to the fact that [REDACTED],<sup>5</sup>

**CONSIDERING** that the Prosecution proposes that [REDACTED],

**CONSIDERING** that the Chamber recalls firstly that [REDACTED]; that the Chamber deems that in the current situation, nothing points to an increase in the flight risk of the Accused Prlić,

**CONSIDERING** that the Chamber deems, furthermore, that in its letter of 25 July 2012, the Government of the Republic of Croatia provided guarantees that if the provisional release of the Accused Prlić were extended, he would not influence or endanger victims, witnesses or any other persons whilst on provisional release and that he would return to The Hague on the date ordered by the Chamber,<sup>6</sup>

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

**CONSIDERING** that the Chamber deems that the compliance with the conditions of provisional release and the guarantees provided by the Republic of Croatia for each new request to extend the provisional release are sufficient to be able to assess whether the conditions of Rule 65 (B) of the Rules of Procedure and Evidence ("Rules") have been met,

**CONSIDERING**, in light of the foregoing, that the Chamber is satisfied that should the provisional release of the Accused Prlić be extended, he would return to the UNDU; that he would not endanger victims, witnesses or any other person and that, consequently, the conditions of Rule 65 (B) of the Rules have been met,

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<sup>3</sup> Order of 6 June 2012, p. 6.

<sup>4</sup> Motion, pp. 1 and 2 and confidential Annex 1.

<sup>5</sup> Response, paras 2 and 3.

<sup>6</sup> Confidential Annex to the Motion.

**CONSIDERING**, in view of the above, that 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,

**FOR THE FOREGOING REASONS,**

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

**GRANTS** the Motion,

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

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

**Presiding Judge Jean-Claude Antonetti attaches a partially concurring opinion to the present decision.**

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

*/signed/*

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Jean-Claude Antonetti  
Presiding Judge

Done this fifth day of September 2012

The Hague

Netherlands

**[Seal of the Tribunal]**

**Partially concurring opinion of Presiding Judge Jean-Claude Antonetti**

[REDACTED]