



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-04-81-PT

Date: 11 May 2006

Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Iain Bonomy

**Registrar:** Mr. Hans Holthuis

**Decision of:** 11 May 2006

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

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**DECISION GRANTING MOMČILO PERIŠIĆ'S  
MOTION TO MODIFY CONDITIONS OF PROVISIONAL RELEASE**

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**The Office of the Prosecutor**

**Mr. Susan Somers**

**Counsel for Momcilo Perišić**

**Mr. James Castle**

**THIS TRIAL 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 (the “Tribunal”) is seized of a motion filed by Momčilo Perišić (the “Accused”) seeking a modification of the terms of his provisional release, and hereby renders a decision (“Decision”) thereon.

1. On 24 April the Accused filed a motion seeking modification of the Trial Chamber’s “Decision on Momčilo Perišić’s Motion for Provisional Release” issued on 9 June 2005 (“Motion”). In his Motion the Accused seeks to modify the condition of release that requires him to remain within the confines of the municipality of Belgrade. Specifically, he requests permission to travel to Koštunići, a town in Serbia approximately 130 km south of Belgrade, on the following dates: (1) 15-30 May 2006, (2) 15-30 June 2006, and (3) 15-30 July 2006. According to the Motion, the Accused intends to stay at his “brother’s home where he can visit his family and the graves of his close family members” and where he can provide personal assistance to his brother, who is seriously ill and in need of the Accused’s help to secure medical treatment at a local hospital.<sup>1</sup>
2. The Accused attaches to the Motion (in an annex designated as confidential) correspondence from the Ministry of Justice of the Republic of Serbia. This correspondence, according to the Accused, provides a “guarantee” that the government of the Republic of Serbia “has the capacity and the willingness to provide the resources and means to supervise the Accused’s proposed visits to Koštunići.”<sup>2</sup> In the letter, the Minister of Justice, Zoran Stojković, states that “according to reports provided by the Ministry of the Interior and the information available to this Ministry there have been no problems so far with your security procedure during your visits to Koštunići.” The Chamber also notes that in support of a prior request to modify the terms of the Accused’s provisional release, the Ministry of Justice pledged that it could provide “full security during [the Accused’s] stay in Koštunići.”<sup>3</sup>

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<sup>1</sup> Motion, paras. 5-6.

<sup>2</sup> *Id.* at para. 7, and Confidential Annex.

<sup>3</sup> Request for Alteration of Conditions of Provisional Release, 15 December 2005, Confidential Annex. The Ministry of Justice pledged that it “can provide full security during [the Accused’s] stay in Kostunici” and that “our Ministry and the Ministry of the Interior of the RS, pursuant to the relevant decision taken by the International Criminal Tribunal, will act in full compliance with the said decision regarding your security and safety.” In addition the Ministry of the Interior stated in a letter attached to the same motion that the Accused’s request “to stay in the village of Koštunići for intervals of 15 days each pending the commencement of the trial ... should be granted ... on condition that the decision on each individual trip ... be forwarded to this Ministry at least seven days in advance to allow for the necessary organisation and preparation.”

3. On 5 May 2006, the Office of the Prosecutor filed a response to the Motion stating that it “takes no position” on the Motion.<sup>4</sup>
4. The Trial Chamber considers that sufficient reasons have been given and sufficient guarantees have been provided to warrant a temporary modification of the provisional release conditions of the Accused on the terms requested in the Motion. The Trial Chamber notes, however, that the government of the Republic of Serbia has not complied with the Chamber’s prior decisions that during the period in which the Accused is allowed to travel to Koštunići, the government of the Republic of Serbia shall submit a report on the Accused’s compliance with the modified terms of his release *every two weeks* (and not on a monthly basis, as required under the original terms of his release). The Trial Chamber has already reminded the government of the Republic of Serbia of its obligation to file fortnightly reports during the relevant period and expects this condition of its Decision to be strictly adhered to.
5. For these reasons, the Trial Chamber, pursuant to Rules 65 and 54 of the Rules of Procedure and Evidence of the Tribunal, **GRANTS** the Motion and **ORDERS** that:
  - (a) The Accused has permission to visit his brother at 32308 Pranjani, Koštunići, Gornji Milanovac, Republic of Serbia on (i) 15-30 May 2006, (ii) 15-30 June 2006, and (iii) 15-30 July 2006.
  - (b) The Accused shall provide details of each visit (including the dates of travel and a copy of this Decision granting permission for the visit) to the Ministry of the Interior of the Republic of Serbia at least seven days in advance of the departure date of each visit.
  - (c) The government of the Republic of Serbia shall (i) between 15 May 2006 and 30 July 2006 submit a written report to the Trial Chamber every two weeks on the compliance of the Accused with his provisional release conditions as set forth in the Trial Chamber’s Decision of 9 June 2005 and this Decision; (ii) immediately arrest and detain the Accused if he should breach any of his provisional release conditions as set forth in the Trial Chamber’s decision of 9 June 2005 and this Decision, and (iii) immediately report to this Trial Chamber any breach of his provisional release conditions as set forth in the Trial Chamber’s decision of 9 June 2005 and this Decision.

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<sup>4</sup> Prosecution’s Response to Defence Request for Alteration of Conditions of Provisional Release, 5 May 2006, para. 1. The Prosecution notes, however, that “the Defence did not provide with the request medical evidence of the alleged medical condition(s) of the Accused’s brother ... which forms the basis for the Request.” *Id.* at para. 2.

6. This Decision does not affect the continued application of the terms and conditions of the Accused's provisional release contained in the Trial Chamber's decision of 9 June 2005, except to the extent provided in paragraph 5, above.
7. The Trial Chamber requests that the Registrar serve this Decision on the government of the Republic of Serbia.

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



Judge Patrick Robinson  
Presiding

Dated this eleventh day of May 2006  
At The Hague, The Netherlands