

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-17-112-ES.5

Date: 23 December 2021

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Carmel Agius, President

Registrar: Mr. Abubacarr M. Tambadou

Date: 23 December 2021

PROSECUTOR

v.

MILIVOJ PETKOVIĆ

***PUBLIC
WITH PUBLIC ANNEX***

**REGISTRAR'S SUBMISSION IN RELATION TO THE DECISION ON
THE APPLICATION FOR EARLY RELEASE OF
MILIVOJ PETKOVIĆ**

The Office of the Prosecutor:

Mr. Serge Brammertz

Counsel for Mr. Milivoj Petković:

Ms. Vesna Alaburić
Mr. Davor Lazić

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals (“Mechanism”), I respectfully file this submission in relation to the President’s “Decision on the Early Release of Milivoj Petković” of 16 December 2021 (“Decision”).¹
2. In the Decision, the President directed the Registrar to: (i) provide the authorities of Belgium and Croatia with the confidential redacted version of the Decision as soon as practicable; (ii) in the event that Petković agrees with, signs, and submits to the Registry the original signed Conditional Early Release Agreement annexed to the Decision in both the authoritative English version and the official Bosnian/Croatian/Serbian translation (“Agreement”), to take all necessary measures to facilitate Petković’s transfer as expeditiously as possible to Croatia; and (iii) should Petković be transferred to Croatia, and following receipt of information from the Croatian authorities that Petković has arrived at his place of residence in Croatia, recirculate as a public filing the confidential redacted version of the Decision and file the signed Agreement as a public document.
3. On 17 December 2021, the Registry transmitted the confidential redacted version of the Decision to the authorities of Belgium and Croatia. On 22 December 2021, Milivoj Petković agreed with, signed, and submitted to the Registry the signed Agreement. He travelled to Croatia on 23 December 2021. On 23 December 2021, the Croatian authorities informed the Registry that Petković arrived at his place of residence in Croatia.² On 23 December 2021, the Registry recirculated as a public filing the confidential redacted version of the Decision. The signed Agreement is attached as a public Annex to this submission.
4. I remain available should you require further information.

¹ *Prosecutor v. Milivoj Petković*, Case No. MICT-17-112-ES.5, Decision on the Early Release of Milivoj Petković, public redacted, 16 December 2021.

² Email from the Ambassador of the Republic of Croatia to the Kingdom of Belgium to a Registry Legal Officer, 23 December 2021.

Respectfully submitted,



Abubacarr M. Tambaou
Registrar

Done this 23rd day of December 2021
At The Hague,
The Netherlands.

ANNEX

ANNEX**CONDITIONAL EARLY RELEASE AGREEMENT**Name: Milivoj PetkovićDate of Birth: 11. 10. 1949

I, the undersigned, declare that:

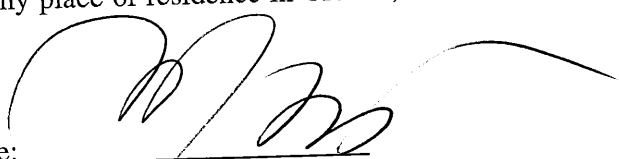
1. I have received the authoritative English version of this document, as well as the official translation into Bosnian/Croatian/Serbian ("BCS"), and have been advised by my Counsel with regard to its contents, including the individual conditions set forth herein.
2. I have read, understand, and agree to comply fully with all conditions of my early release, as set forth below.
3. I agree to comply fully with all of the following conditions:
 - A. I shall remain under the supervision of a Monitoring Authority designated by the Republic of Croatia ("Monitoring Authority" and "Croatia", respectively) during the remainder of my sentence until its completion on 9 October 2027;
 - B. I shall comply with any requirement made of me by the Monitoring Authority, including contacting an agent of the Monitoring Authority as requested;
 - C. If required by the Monitoring Authority or if so directed by the President of the International Residual Mechanism for Criminal Tribunals ("President" and "Mechanism", respectively), I shall report in person to the Monitoring Authority, a local police station, or any other location designated by the Monitoring Authority or the President for this purpose;
 - D. I shall notify the Mechanism and the Monitoring Authority of my address of residence, as well as give 14 days' notice of any proposed change of residence;
 - E. I shall have no contact whatsoever with, or directly or indirectly try to harm, intimidate, or otherwise interfere with, victims or witnesses who testified in my case or other cases before the International Criminal Tribunal for the former Yugoslavia ("ICTY") or the Mechanism, and/or members of their respective families, with the sole exception being contact with witnesses who testified in my own defence;
 - F. I shall not interfere in any way with the proceedings of the Mechanism or the administration of justice;
 - G. I shall not violate any orders issued by the ICTY or the Mechanism, and shall not otherwise reveal the identities of witnesses or potential witnesses in any way;
 - H. I shall not discuss my case, including any aspect of the events in the former Yugoslavia that were the subject of my case, with the media, through social media, or with anyone other than my legal counsel recognised by the Mechanism, if any, unless this has been specifically authorised in advance by the President;

- I. I shall not make any statement denying the crimes over which the ICTY had jurisdiction, and over which the Mechanism retains jurisdiction, that were committed during the conflict in the former Yugoslavia;
 - J. I shall under no circumstances directly or indirectly express publicly any agreement with, or otherwise contribute in any way to, the glorification of persons convicted by the ICTY or the Mechanism;
 - K. If I intend to travel outside Croatia, I will notify the Monitoring Authority beforehand so that it may seek a direction from the President, who will ultimately have the discretion to approve or not approve such travel;
 - L. I shall conduct myself honourably and peacefully in the community in which I will reside, and shall not engage in meetings or associations intended to plan civil unrest or actively engage in any political activities except for voting;
 - M. I shall deposit any firearms and other weapons requiring a licence with the Croatian authorities as designated by the Monitoring Authority, and shall not purchase, possess, use, or handle any firearms or other weapons requiring a license;
 - N. I shall not commit any offence that is punishable by any term of imprisonment, nor shall I publicly or privately incite or promote such an offence;
 - O. I shall notify the Monitoring Authority of any arrest, summons, or questioning by a law enforcement officer; and
 - P. I shall continue to make efforts to contribute to my rehabilitation and resocialisation.
4. I understand and agree that I shall be subject to the conditions stated herein, unless they are revoked or modified, until the completion of my sentence on 9 October 2027.
5. I understand and agree that any change in the foregoing conditions can only be authorised by the President.
6. I understand and agree that if I violate or otherwise fail to comply fully with any of the conditions set out in this agreement, then my early release may be revoked at the sole discretion of the President.
7. I understand and accept that as a condition of my early release, Croatia is obligated to: (a) register my final conviction by the ICTY in my criminal record in Croatia; (b) revoke any licenses for firearms or other weapons that I may possess and ensure that no new licenses are issued to me until the expiration of my sentence; and (c) transfer me immediately to the custody of the Mechanism following a request by the Mechanism to do so.
8. In addition, I understand and accept that as a condition of my early release, Croatia is obligated to designate as the Monitoring Authority an agent or entity to: (a) monitor and enforce the above-mentioned conditions; (b) report to the Mechanism, within 24 hours, any failure by me to comply with these conditions; (c) arrest me immediately upon request of the Mechanism; (d) arrest

me immediately if I pose a threat to victims or witnesses, commit any crime under Croatian law that is punishable by any term of imprisonment, or seek to leave the territory of Croatia without the necessary permission in accordance with these conditions, or if Croatia or the Monitoring Authority otherwise consider it necessary to ensure compliance with each of the conditions set out herein; and (e) submit quarterly reports to the Mechanism on the implementation of these conditions.

9. I understand and accept that all the obligations stated above will cease to be in effect at 23:59 on 9 October 2027, the date my sentence ends.

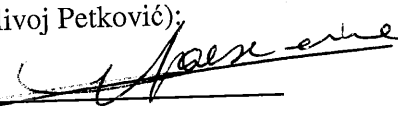
10. I understand that, once I have signed the authoritative English version of this document, as well as the official BCS translation, the original signed document (in both languages) is to be provided to the Registry of the Mechanism, which will subsequently file it publicly on the judicial record in *Prosecutor v. Milivoj Petković*, Case No. MICT-17-112-ES.5, and that until I have been transferred to my place of residence in Croatia, this matter must remain confidential for reasons of security.

Signature: 

Name: MILIVOJ PETKOVIĆ

Date: 22.12.2021

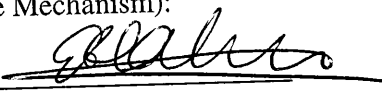
Witnessed by (for Milivoj Petković):

Signature: 

Name: DEMAESENEINE

Date: 22 12 2021

Witnessed by (for the Mechanism):

Signature: 

Name: ESTHER HAIM

Date: 22-12-2021

SPORAZUM O UVJETNOM PRIJEVREMENOM PUŠTANJU NA SLOBODU

Ime i prezime: Milivoj Perković

Datum rođenja: 11.10.1949

Ja, dolje potpisani, izjavljujem sljedeće:

1. Primio sam mjerodavnu englesku verziju ovog dokumenta, kao i službeni prijevod na bosanski/hrvatski/srpski (dalje u tekstu: b/h/s), i objašnjenje svog pravnog zastupnika u vezi sa sadržajem tog dokumenta, uključujući sve uvjete koji su u njemu navedeni.
2. Pročitao sam, razumijem, i pristajem da u potpunosti ispunim sve uvjete prijevremenog puštanja na slobodu, navedene niže u tekstu.
3. Pristajem da u potpunosti ispunim sve niže navedene uvjete:
 - A. Ostat ću pod nadzorom Nadzorne vlasti koju odredi Republika Hrvatska (dalje u tekstu: Nadzorna vlast, odnosno Hrvatska) tokom preostalog dijela kazne sve do njezinog isteka 9. listopada 2027. godine;
 - B. Postupat ću u skladu sa svim uvjetima koje mi odredi Nadzorna vlast, uključujući i održavanje kontakta s predstavnikom Nadzorne vlasti na njihov zahtjev;
 - C. Ako to zatraži Nadzorna vlast ili naloži predsjednik Međunarodnog rezidualnog mehanizma za kaznene sudove (dalje u tekstu: predsjednik, odnosno Mehanizam), osobno ću se javljati Nadzornoj vlasti, lokalnoj policijskoj stanici ili bilo kojoj drugoj lokaciji koju u tu svrhu odredi Nadzorna vlast ili predsjednik;
 - D. Mehanizmu i Nadzornoj vlasti ću dostaviti adresu na kojoj boravim u Hrvatskoj, a o eventualnom prijedlogu o promjeni adrese ću ih obavjestiti 14 dana unaprijed;
 - E. Neću stupati ni u kakav kontakt sa žrtvama ili svjedocima koji su svjedočili u mom predmetu ili u drugim predmetima pred Međunarodnim kaznenim sudom za bivšu Jugoslaviju (dalje u tekstu: MKSJ) ili Mehanizmom, ni s članovima njihovih obitelji, niti ću direktno ili indirektno pokušati da ih povrijedim, zastrašim ili na drugi način uznemiravam, osim kontakta isključivo sa svjedocima koji su svjedočili u moju obranu;
 - F. Ni na koji način neću ometati postupke Mehanizma ni provođenje pravde;
 - G. Neću prekršiti nijedan nalog MKSJ-a ili Mehanizma i ni na koji način neću otkriti identitet svjedoka ili potencijalnih svjedoka;
 - H. O mom predmetu, uključujući bilo koji aspekt događaja u bivšoj Jugoslaviji koji su bili predmet mog suđenja, neću razgovarati putem društvenih mreža, s medijima, niti s bilo kim osim s mojim eventualnim pravnim zastupnikom kojeg je priznao Mehanizam, i to samo u slučaju da za to unaprijed dobijem konkretno odobrenje od predsjednika;
 - I. Neću davati nikakve izjave kojima se negiraju zločini nad kojima je MKSJ imao nadležnost i nad kojima Mehanizam zadržava nadležnost, a koji su počinjeni tijekom sukoba u bivšoj Jugoslaviji;
 - J. Ni pod kojim okolnostima neću, direktno ili indirektno, javno izraziti slaganje s veličanjem osoba koje je osudio MKSJ ili Mehanizam, niti ću na bilo koji način doprinijeti veličanju tih osoba;

- K. O eventualnoj namjeri da putujem van Hrvatske unaprijed ću obavijestiti Nadzornu vlast kako bi ona zatražila upute od predsjednika, koji u krajnjoj instanci ima diskrecijsku ovlast da putovanje odobri ili ne;
 - L. U zajednici u kojoj budem boravio ponašat ću se časno i miroljubivo i neću sudjelovati u sastancima ili udrugama čiji je cilj planiranje građanskih nereda niti aktivno sudjelovati u bilo kakvim političkim aktivnostima, osim glasanja;
 - M. Sve vatreno i drugo oružje za koje je potrebna dozvola pohranit ću kod organa vlasti Hrvatske koje odredi Nadzorna vlast i neću kupovati, posjedovati, upotrebljavati niti rukovati bilo kakvim vatrenim ili drugim oružjem za koje je potrebna dozvola;
 - N. Neću počinuti nijedno kazneno djelo koje je kažnjivo kaznom zatvora, niti ću javno ili privatno poticati ili zagovarati takvo kazneno djelo;
 - O. Nadzornu vlast ću obavijestiti o eventualnim uhićenjima, pozivima ili ispitivanjima od strane službenika organa gonjenja; i
 - P. Istrajat ću u naporima da doprinesem svojoj rehabilitaciji i resocijalizaciji.
4. Shvaćam i suglasan sam s tim da se ovdje navedeni uvjeti odnose na mene, osim ako ne budu poništeni ili izmijenjeni, sve do isteka moje kazne 9. listopada 2027.
5. Shvaćam i suglasan sam s tim da svaku izmjenu gore navedenih uvjeta može odobriti isključivo predsjednik.
6. Shvaćam i suglasan sam s tim da, ukoliko prekršim ili u potpunosti ne ispunim bilo koji od uvjeta navedenih u ovom sporazumu, predsjednik može, isključivo na osnovi svoje diskrecijske ovlasti, poništiti moje prijevremeno puštanje na slobodu.
7. Shvaćam i prihvaćam kao uvjet za moje prijevremeno puštanje na slobodu da je Hrvatska dužna: (a) da u kaznenu evidenciju u Hrvatskoj unese pravomoćnu presudu koju mi je izrekao MKSJ; (b) da ukine sve dozvole za vatreno ili drugo oružje koje eventualno imam i osigura da mi se do isteka kazne ne izdaju nove dozvole; i (c) da me, na zahtjev Mehanizma, bez odlaganja dovede pod njegov nadzor.
8. Osim toga, shvaćam i prihvaćam kao uvjet mog prijevremenog puštanja na slobodu da je Hrvatska dužna da kao Nadzornu vlast odredi zastupnika ili pravnu osobu da: (a) nadzire i provodi gore navedene uvjete; (b) u roku od 24 sata izvijesti Mehanizam o svakom mom nepridržavanju tih uvjeta; (c) odmah me uhiti na zahtjev Mehanizma; (d) odmah me uhiti ako budem predstavljao opasnost po žrtve ili svjedoke, izvršim bilo koje kazneno djelo koje je, prema zakonu Hrvatske, kažnjivo kaznom zatvora, ili pokušam napustiti teritorij Hrvatske bez potrebne dozvole u skladu s ovim uvjetima, ili ako Hrvatska ili Nadzorna vlast inače budu smatrale da je potrebno da se osigura pridržavanje svih ovdje navedenih uvjeta; i (e) podnosi tromjesečne izvještaje Mehanizmu o provođenju ovih uvjeta.

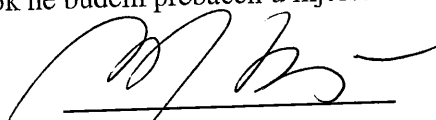
9. Shvaćam i prihvaćam da će sve gore navedene obveze prestati važiti u 23:59 sati na dan 9. listopada 2027., kada ističe moja kazna.

10. Shvaćam da će, čim potpišem mjerodavnu englesku verziju ovog dokumenta, kao i službeni prijevod na b/h/s, originalni potpisani dokument (na oba jezika) biti prosljeđen Tajništvu Mehanizma, koji će ga zatim zvesti kao javni dokument u spis predmeta *Tužilac protiv Milivoja Petkovića*, predmet br. MICT-17-112-ES.5, i da iz sigurnosnih razloga ova stvar mora ostati povjerljiva sve dok ne budem prebačen u mjesto boravka u Hrvatskoj.

Potpis:

Ime i prezime:

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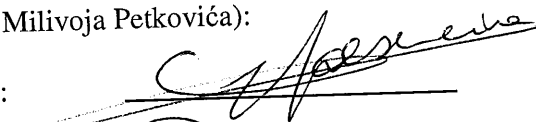

 Milivoj Petković
 22. 12. 2021

Svjedok (za Milivoja Petkovića):

Potpis:

Ime i prezime:

Datum:

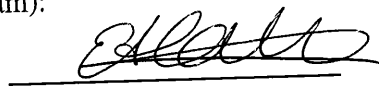

 Democreseneire
 22. 12. 2021.

Svjedok (za Mehanizam):

Potpis:

Ime i prezime:

Datum:


 ESTHER HALM
 22-12-2021.



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<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input checked="" type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

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