

**UNITED
NATIONS**



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-A
Date: 19 October 2017
Original: English

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Carmel Agius, President

Registrar: Mr. John Hocking

Order of: 19 October 2017

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ĆORIĆ
BERISLAV PUŠIĆ**

CONFIDENTIAL AND EX PARTE

**ORDER TO RECLASSIFY THE STATUS
OF A CONFIDENTIAL AND *EX PARTE* DECISION**

Counsel for Mr. Slobodan Praljak:

Ms. Nika Pinter and Ms. Natacha Fauveau-Ivanović

I, JUDGE CARMEL AGIUS, President 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”);

BEING SEISED of the “Deputy Registrar’s Submission Requesting Reclassification of Two Decisions” filed confidentially and *ex parte* on 4 September 2017 (“Request for Reclassification”) in which the Deputy Registrar of the Tribunal requests that the President of the Tribunal reclassify as public the confidential and *ex parte* “Decision on Slobodan Praljak’s Defence Request for Judicial Review of Decision on Additional Funds”, issued on 16 August 2017 (“First Decision”), and another confidential decision (“Second Decision”), or, in the alternative, issue public redacted versions of the same;¹

RECALLING that I assigned Judge Alphons Orie, who rendered the Second Decision as Acting President, to consider the Request for Reclassification with respect to the Second Decision;²

NOTING the Registry’s submission that the two decisions contain findings on several principles that are important with respect to potential requests for additional funds;³

RECALLING that all submissions and decisions filed before the Tribunal shall be public unless there are exceptional reasons for maintaining their confidentiality;⁴

NOTING that the Acting President, having considered the Second Decision, ordered the Registry to change its status from confidential to public within two weeks unless the concerned parties file an objection;⁵

CONSIDERING, upon review of the First Decision, that exceptional reasons for maintaining its confidentiality are not manifest;

CONSIDERING that it is appropriate, however, to allow the Praljak Defence an opportunity to make submissions in relation to any parts of the First Decision that should remain confidential;

¹ Request for Reclassification, paras 1, 7.

² Order Assigning a Request to a Judge, 19 September 2017 (confidential and *ex parte*) (“Assignment Order”).

³ Request for Reclassification, para. 3.

⁴ See, e.g., *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-A, Decision on Motion to Lift Confidential and *Ex Parte* Status of the Appeals Chamber’s Decision on Ćorić’s Motion Seeking Provisional Release, 1 December 2016, p. 1; *Prosecutor v. Ramush Haradinaj et al.*, Case No. IT-04-84-A, Decision on Lahi Brahimaj’s Application for Provisional Release, 27 May 2009, para. 5; Rules 53(A) and 107 of the Rules of Procedure and Evidence of the Tribunal.

⁵ Order to Reclassify the Status of a Confidential Decision, 17 October 2017.

HEREBY

ORDER the Praljak Defence to make any submissions concerning a change of status to the First Decision no later than two weeks from the date of the present order;

ORDER the Registry to change the status of the First Decision from confidential and *ex parte* to public within two weeks from the date of this order, unless the Praljak Defence files an objection within that time;

ORDER the Deputy Registrar, should there be any objection to making public the Request for Reclassification, to file that objection within one week from the date of this order;

ORDER the Registry to lift the confidential and *ex parte* status of the Request for Reclassification, the Assignment Order and the present order within two weeks from the date of this order unless an objection is filed within that time; and

DECIDE to remain seised of the Request for Reclassification until the matter has been resolved.

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

Done this nineteenth day of October 2017,
At The Hague,
The Netherlands.



Judge Carmel Agius
President

[Seal of the Tribunal]