



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-95-13/1-A  
Date: 3 September 2008  
Original: English

**BEFORE THE PRE-APPEAL JUDGE**

**Before:** Judge Theodor Meron

**Registrar:** Mr Hans Holthuis

**Order of:** 3 September 2008

**PROSECUTOR**

v.

**MILE MRKŠIĆ  
VESELIN ŠLJIVANČANIN**

**PUBLIC**

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**ORDER CONCERNING CONFIDENTIAL FILINGS**

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**The Office of the Prosecutor:**

Ms. Helen Brady

**Counsel for the Defence:**

Mr. Miroslav Vasić and Mr. Vladimir Domazet for Mile Mrkšić  
Mr. Novak Lukić and Mr. Stéphane Bourgon for Veselin Šljivančanin

I, THEODOR MERON, Judge of the Appeals 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 (“Appeals Chamber” and “International Tribunal”, respectively) and Pre-Appeal Judge in this case,<sup>1</sup>

**BEING SEISED** of three appeals against the Trial Judgement of 27 September 2007;<sup>2</sup>

**NOTING** the “Mile Mrkšić’s Appeal Brief” filed confidentially on 8 July 2008;

**NOTING** that a corrected version of Mile Mrkšić’s Appellant Brief and Annex was filed confidentially on 22 July 2008;<sup>3</sup>

**NOTING** that by order of 23 July 2008, in my capacity as a Pre-Appeal Judge I recognised the corrected version of Mile Mrkšić’s Appellant’s Brief (and Annex A) as the valid Appellant’s brief filed by Mile Mrkšić and declared the brief and attached annex filed on 8 July 2008 to be null and void;

**NOTING** the “Prosecution’s Consolidated Response Brief to Mile Mrkšić and Veselin Šljivančanin’s Appeal Briefs”, filed confidentially on 28 August 2008 (“Prosecution Respondent’s Brief”);

**NOTING** the “Response Brief on Behalf of Veselin Šljivančanin” filed confidentially on 18 June 2008 (“Šljivančanin Respondent’s Brief”);

**CONSIDERING** that pursuant to Rules 78 and 107 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), all proceedings before the Appeals Chamber, which include the parties’ filings as part of the proceedings, shall be public unless there are exceptional reasons for keeping them confidential;<sup>4</sup>

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<sup>1</sup> Order Designating a Pre-Appeal Judge, 13 November 2007.

<sup>2</sup> Prosecution’s Notice of Appeal, filed on 29 October 2007 (amended 7 May 2008); Mr. Mrkšić’s Defence Notice of Appeal and Request for Leave to Exceed the Word Limit, filed on 29 October 2007; Notice of Appeal from the Judgement of 27 September 2007 by the Defence of Šljivančanin, filed on 29 October 2007.

<sup>3</sup> Mile Mrkšić Appeal Brief, Confidential, Corrected on 22 July 2008 (and Annex A), 22 July 2008 (“Mrkšić Appeal Brief”).

<sup>4</sup> *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Case No. IT-98-34-A, Decision on Vinko Martinović’s Withdrawal of Confidential Status of Appeal Brief, 4 May 2005, p. 3 (“*Naletilić Decision*”) citing Rules 75 and 79 of the Rules as examples.

**CONSIDERING** that, in view of the public character of appeals proceedings, it is the practice of the International Tribunal that parties shall file public redacted versions of all confidential briefs filed on appeal from a Trial Chamber's judgement;<sup>5</sup>

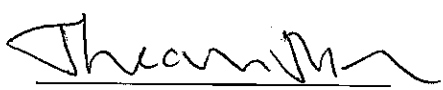
**PURSUANT TO** Rules 65ter and 107 of the Rules;

**HEREBY ORDER** the parties to file within 10 days of the filing of this Order, a public version of the following documents wherein all confidential information is duly redacted:

- (a) Mrkšić Appeal Brief
- (b) Prosecution Respondent's Brief, and
- (c) Šljivančanin Respondent's Brief.

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

Issued this third day of September 2008  
At The Hague  
The Netherlands



Judge Theodor Meron  
Pre-Appeal Judge

**[Seal of the International Tribunal]**

<sup>5</sup> See *Naletilić* Decision, p. 3. See also *Mikaeli Muhimana v. The Prosecutor*, Case No. ICTR-95-1B-A, Decision on Prosecutor's Motion Requesting the Appellant to File a Non-Confidential Appeal Brief, 14 August 2006, p. 1 (finding that the filing of a confidential Appellant's brief does not serve the interests of justice).