

**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: 21 October 2015
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 21 October 2015

PROSECUTOR

v.

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

PUBLIC

**DECISION ON PETKOVIĆ'S AND PUŠIĆ'S MOTIONS TO
RECLASSIFY CONFIDENTIAL BRIEFS**

The Office of the Prosecutor:

Mr. Douglas Stringer
Ms. Barbara Goy
Ms. Laurel Baig

Counsel for the Accused:

Mr. Michael G. Karnavas and Ms. Suzana Tomanović for Mr. Jadranko Prlić
Ms. Senka Nožica and Mr. Karim A. A. Khan for Mr. Bruno Stojić
Ms. Nika Pinter and Ms. Natacha Fauveau-Ivanović for Mr. Slobodan Praljak
Ms. Vesna Alaburić and Mr. Davor Lazić for Mr. Milivoj Petković
Ms. Dijana Tomašegović-Tomić and Mr. Dražen Plavec for Mr. Valentin Ćorić
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Mr. Berislav Pušić

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 “Tribunal”, respectively), and Pre-Appeal Judge in the *Prlić et al.* case;

BEING SEISED of (i) “Milivoj Petković’s Request to Reclassify His Respondent’s Brief”, filed confidentially by Milivoj Petković (“Petković”) on 8 September 2015 (“Petković Motion”), in which Petković requests to reclassify his Response Brief (“Petković’s Response Brief”) as public;¹ and (ii) “Berislav Pušić’s Request to Reclassify Confidential Defence Response Brief and Brief in Reply”, filed confidentially by Berislav Pušić (“Pušić”) on 7 September 2015 (“Pušić Motion”), in which Pušić requests to reclassify as public his Response Brief and Reply Brief (“Pušić’s Response Brief” and “Pušić’s Reply Brief”, respectively);²

RECALLING that, in accordance with a decision issued by the Appeals Chamber on 9 October 2014,³ all the Appeal Briefs, the Response Briefs, and the Reply Briefs were filed confidentially,⁴ except for Petković’s Response Brief, Pušić’s Response Brief, and Pušić’s Reply, which were filed publicly;⁵

RECALLING that, during the status conference held on 12 May 2015, I ordered the parties to file public redacted versions of their Appeal Briefs and Response Briefs by 11 June 2015;⁶

RECALLING the “Order Relating to the Prosecution’s Urgent Motion to Reclassify Public Briefs and Modify the Public Redacted Briefing Schedule”, filed on 12 June 2015 (“Order”), by which I instructed the Registry of the Tribunal (“Registry”) to temporarily reclassify all public and public redacted briefs (“Public Briefs”) filed in these appellate proceedings as confidential;⁷

RECALLING that on 8 July 2015, I: (i) ordered the Parties to re-file the Public Briefs after having made all necessary redactions, with the exception of the Petković’s Response Brief and Pušić’s

¹ Petković Motion, para. 6.

² Pušić Motion, para. 4.

³ Decision on Appellants’ Requests for Extension of Time and Word Limits, 9 October 2014.

⁴ See Decision on the Prosecution’s Urgent Motion to Reclassify Public Briefs and Modify the Public Redacted Briefing Schedule, 8 July 2015 (“Decision”), p. 2, fn. 2.

⁵ Milivoj Petković’s Respondent’s Brief, 7 May 2015; Berislav Pušić’s Response to the Prosecution’s Appeal Brief, 7 May 2015; Berislav Pušić’s Brief in Reply, 29 May 2015. I note that while Pušić’s Reply Brief was initially filed publicly, on 29 May 2015, it was re-filed as confidential on 2 June 2015. See Berislav Pušić’s Notice on Change of Status of Defence Brief in Reply, 2 June 2015.

⁶ See Status Conference, AT. 54 (12 May 2015).

⁷ Order, 12 June 2015, pp. 1-2.

Response Brief; and (ii) instructed the Registry to maintain the confidential status of the Public Briefs until further notice;⁸

RECALLING FURTHER that during the status conference held on 2 September 2015, I invited Petković and Pušić to file motions to lift the confidential status of Petković’s Response Brief and Pušić’s Response Brief;⁹

NOTING the “Notice of Non-Opposition to Milivoj Petković’s Request to Reclassify His Respondent’s Brief”, filed confidentially by the Office of the Prosecutor (“Prosecution”) on 9 September 2015 (“Prosecution’s Notice”), in which the Prosecution affirms that it does not oppose the Petković Motion;¹⁰

NOTING that the Prosecution did not respond to the Pušić Motion;

NOTING that all the public redacted versions of the Appeal Briefs, Response Briefs, and Reply Briefs, save for Petković’s Response Brief, Pušić’s Response Brief, and Pušić’s Reply Brief, were filed in accordance with the Decision¹¹ and that the re-filing process of the public redacted versions has thus been completed;

CONSIDERING that Petković’s Response Brief, Pušić’s Response Brief, and Pušić’s Reply Brief require no redaction and, thus, it is no longer necessary to keep them confidential;

⁸ Decision, pp. 4-5.

⁹ See Status Conference, AT. 61-62 (2 Sept 2015).

¹⁰ Prosecution’s Notice, para. 1.

¹¹ Notice of Filing of Prosecution Revised Public Redacted Appeal Brief, 29 July 2015; Jadranko Prlić’s Notice of Re-Filing of Public Redacted Version of Jadranko Prlić’s Appeal Brief, 29 July 2015; Notice of Filing the Corrigendum to the Public Redacted Version of Bruno Stojić’s Appellant’s Brief, 28 July 2015; Notice of Filing of Revised Public Redacted Version of Slobodan Praljak’s Appeal Brief with Annexes, 29 July 2015; Notice of Re-Filing of Redacted Versions [*sic*] of Milivoj Petković Appeal Brief And Book of Authorities, 29 July 2015; Corrigendum to Appellant’s Brief of Valentin Ćorić, 28 July 2015; Notice of Re-Filing of Redacted Appeal Brief of Berislav Pušić, 28 July 2015; Notice of Filing of Prosecution Public Redacted Response to Jadranko Prlić’s Appellant’s Brief, 19 August 2015; Notice of Filing of Public Redacted Version of Prosecution Response to Bruno Stojić’s Appellant’s Brief, 19 August 2015; Notice of Filing of Public Redacted Version of Prosecution Response to Slobodan Praljak’s Appellant’s Brief, 19 August 2015; Notice of Filing of Public Redacted Version of Prosecution Response to Milivoj Petković’s Appellant’s Brief, 19 August 2015; Notice of Filing of Public Redacted Version of Prosecution Response to Valentin Ćorić’s Appellant’s Brief, 19 August 2015; Notice of Filing of Public Redacted Version of Prosecution Response to Berislav Pušić’s Appellant’s Brief, 19 August 2015; Jadranko Prlić’s Notice of Re-Filing of Public Redacted Version of Jadranko Prlić’s Respondent’s Brief, 20 August 2015; Notice of Filing the Corrigendum to the Public Redacted Version of Bruno Stojić’s Respondent’s Brief, 18 August 2015; Notice of Filing of Revised Public Redacted and Corrected Version of Slobodan Praljak’s Response to Prosecution Appeal Brief with Annexes, 20 August 2015; Respondent’s Brief of Valentin Ćorić, 18 August 2015; Notice of Filing of Public Redacted Version of Prosecution’s Consolidated Reply to Respondents’ Briefs, 7 September 2015; Jadranko Prlić’s Notice of Re-Filing of Public Redacted Version of Jadranko Prlić’s Reply Brief, 1 September 2015; Notice of Filing the Corrigendum to the Public Redacted Version of Bruno Stojić’s Brief in Reply, 2 September 2015; Notice of Filing of Revised Public Redacted and Corrected Version of Slobodan Praljak’s Reply Brief with Annexes, 31 August 2015; Notice of Re-Filing of Redacted Version of Milivoj Petković’s Brief in Reply, 2 September 2015; Reply Brief of Valentin Ćorić in Support of Appellant’s Brief (without confidential and *ex parte* annexes A & B), 31 August 2015.

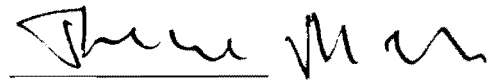
FOR THE FOREGOING REASONS,

HEREBY GRANT the Petković Motion and the Pušić Motion; and

ORDER the Registry to lift the confidential status of Petković's Response Brief, Pušić's Response Brief, and Pušić's Reply Brief.

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

Done this 21st day of October 2015,
At The Hague,
The Netherlands.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]