

**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: 1 December 2016
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Liu Daqun
Judge Fausto Pocar
Judge Theodor Meron
Judge Bakone Justice Moloto

Registrar: Mr. John Hocking

Decision of: 1 December 2016

PROSECUTOR

v.

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

PUBLIC

**DECISION ON MOTION TO LIFT CONFIDENTIAL AND *EX*
PARTE STATUS OF THE APPEALS CHAMBER'S DECISION
ON ĆORIĆ'S MOTION SEEKING PROVISIONAL RELEASE**

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 Stojic
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

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);

NOTING the “Decision on Valentin Ćorić’s Request for Provisional Release”, issued confidentially and *ex parte* by the Appeals Chamber on 15 August 2016 (“Decision”);

BEING SEISED of the “Motion to Lift Confidential and *Ex Parte* Status of the Appeals Chamber’s Decision on Valentin Ćorić’s Request for Provisional Release”, filed confidentially and *ex parte* by the Office of the Prosecutor (“Prosecution”) on 25 October 2016 (“Motion”), in which the Prosecution requests the Appeals Chamber to: (i) issue a public redacted version of the Decision; or (ii) lift the *ex parte* status of the Decision to make it available to the parties in this case;¹

NOTING that Valentin Ćorić (“Ćorić”) has not filed a response to the Motion;

CONSIDERING that all decisions filed before the Tribunal shall be public unless there are exceptional reasons for maintaining their confidentiality;²

NOTING the Prosecution’s submission that no exceptional reasons exist to maintain the confidentiality of the Decision;³

CONSIDERING that no exceptional reasons exist for maintaining the confidential and *ex parte* status of the Decision, save for the information contained therein concerning Ćorić’s personal circumstances, which should be redacted from a public version;

FINDING therefore that, in the interest of maintaining the public character of the proceedings in this case, a public redacted version of the Decision should be issued;

CONSIDERING further that there is no basis for the Motion to remain confidential and *ex parte*;

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 107 of the Tribunal’s Rules of Procedure and Evidence;

¹ Motion, paras 1, 6. See also Motion, paras 2-5.

² See, e.g., Decision on Motion to Lift Confidential and *Ex Parte* Status of the Appeal Chamber’s Decision on Ćorić’s Motion Seeking Provisional Release, 14 May 2015, p.1; *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-A, Decision on Prosecution’s Motion to Lift Confidential Status of the Appeals Chamber’s Rule 115 Decision of 21 July 2005, 23 October 2012, para. 8 and references cited therein.

³ Motion, para. 5.

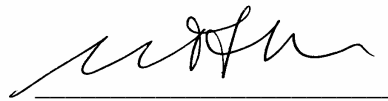
HEREBY GRANTS the Motion;

ISSUES a public redacted version of the Decision; and

ORDERS the Registry of the Tribunal to lift the confidential and *ex parte* status of the Motion.

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

Dated this first day of December 2016,
At The Hague,
The Netherlands.



Judge Carmel Agius
Presiding Judge

[Seal of the Tribunal]