



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-T
Date: 9 October 2007
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Order of: 9 October 2007

THE PROSECUTOR

v.

Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ

PUBLIC AND EX PARTE

**ORDER LIFTING THE CONFIDENTIALITY OF PASSAGES OF TRANSCRIPTS
AND AUDIO RECORDINGS FROM AN *EX PARTE* HEARING**

The Office of the Prosecutor:

Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec

Mr Tomislav Jonjić, attorney in Zagreb, Republic of Croatia

TRIAL CHAMBER III (“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 (“Tribunal”),

SEIZED of “Valentin Ćorić’s Confidential Request for Disclosing to Public the Record of the *Ex Parte* Hearing Held on 22 June 2006”, filed confidentially and *ex parte* on 13 September 2007 (“Request”) in which he requests the lifting of the confidentiality of the *ex parte* hearing held on 22 June 2006 (“*Ex Parte* Hearing”),

CONSIDERING that in the Request the Accused Ćorić repeats the previous Request, made confidentially during the hearing of 16 August 2007, to lift the confidentiality of the *Ex Parte* Hearing,

CONSIDERING that Article 20 (4) of the Statute of the Tribunal and Rule 78 of the Rules of Procedure and Evidence (“Rules”) lay down the principle that hearings shall be public,

CONSIDERING nonetheless that in accordance with Rule 79 (A) of the Rules, a Chamber may order hearings to be held *in camera*,

CONSIDERING, however, that pursuant to the provisions of Rule 81 (B) of the Rules, after giving due consideration to any matters relating to witness protection, a Chamber may find that the reasons for ordering non-disclosure no longer exist and decide to lift confidentiality,

CONSIDERING that the *Ex Parte* Hearing was held confidentially because it dealt with the working relationship between the Accused Ćorić and Mr Jonjić, his counsel at the time, as well as the state of health of the Accused Ćorić,

CONSIDERING that after reviewing the passages of the transcript of the *Ex Parte* Hearing, the Chamber notes that the discussions between the Chamber, the Accused Ćorić and Mr Jonjić do not relate to witnesses,

CONSIDERING furthermore that by taking into account the consent of the Accused Ćorić to disclose what he said about his state of health, the Chamber considers that it is no longer justified to maintain the confidentiality for most of the *Ex Parte* Hearing,

CONSIDERING that certain passages of the *Ex Parte* Hearing must nevertheless remain confidential since in the interests of justice they need not be disclosed,

CONSIDERING therefore that the Chamber decides to lift the confidentiality of the *Ex Parte* Hearing, except for the passages of the transcripts of the hearing appearing in the French version at page 3795, line 14 to line 21 (up to the full stop at the end of the sentence), as well as the corresponding audio-visual recordings of these passages of the hearing,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 81 (B) of the Rules,

PARTIALLY GRANTS the Request of the Accused Čorić,

ORDERS the immediate lifting of the confidentiality of the *Ex Parte* Hearing of 22 June 2006, except for the passages mentioned above in this order,

AND

DIRECTS the Registrar of the Tribunal to deliver a copy of this order to Mr Tomislav Jonjić, attorney in Zagreb, Republic of Croatia.

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

/signed/

Jean-Claude Antonetti

Presiding Judge

Done this ninth day of October 2007

At The Hague

The Netherlands

[Seal of the Tribunal]