



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: 22 May 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Order of: 22 May 2008

THE PROSECUTOR

v.

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

PUBLIC

**ORDER REGARDING THE APPEALS CHAMBER
DECISION ON JURISDICTION**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

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

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”);

NOTING the “Decision on Petković’s Appeal on Jurisdiction”, rendered by the Appeals Chamber on 23 April 2008 (“Decision on Jurisdiction”),

CONSIDERING that in the Decision on Jurisdiction, the Appeals Chamber first finds that “any reference, either explicit or implicit, to such mode of liability /”co-perpetratorship”/ in the Indictment should have been struck out, specifically, the third sentence and the last two sentences of paragraph 218 as well as the last sentence of paragraphs 224 and 225”,¹

CONSIDERING that in the Decision on Jurisdiction, the Appeals Chamber adds that since “aiding and abetting JCE” is not a valid form of liability, “paragraph 226 of the Indictment should have been amended so as to exclusively refer to ‘aiding and abetting persons who participated in [systematic joint criminal enterprises]’”,²

CONSIDERING that in the Decision on Jurisdiction, the Appeals Chamber “orders the Trial Chamber to direct the Prosecution to amend the Indictment” in accordance with the Decision on Jurisdiction,³

¹ Decision on Jurisdiction, para. 21.

² Decision on Jurisdiction, para. 21

³ Decision on Jurisdiction, para. 22.

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence,

INVITES the Prosecution to be informed of the Decision on Jurisdiction and to take the necessary action.

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

/signed/

Judge Jean-Claude Antonetti

Presiding Judge

Done this twenty-second day of May 2008

At The Hague

The Netherlands

[Seal of the Tribunal]