

**UNITED
NATIONS**

MC



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: 14 May 2015
Original: English

IN THE APPEALS CHAMBER

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

Registrar: Mr. John Hocking

Decision of: 14 May 2015

PROSECUTOR

v.

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

PUBLIC

**DECISION ON MOTION TO LIFT CONFIDENTIAL AND *EX PARTE*
STATUS OF THE APPEAL 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 Stojić
Ms. Nika Pinter and Ms. Natacha Fauveau-Ivanović for Mr. Slobodan Praljak
Ms. Vesna Alaburić and Mr. Guénaél Mettraux 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 Motion Seeking Provisional Release”, issued confidentially and *ex parte* by the Appeals Chamber on 12 March 2015 (“Decision”);

BEING SEISED of the “Motion to Lift Confidential and Ex Parte Status of the Appeal[s] Chamber’s Decision on Ćorić’s Motion Seeking Provisional Release”, filed confidentially and *ex parte* by the Office of the Prosecutor (“Prosecution”) on 25 March 2015 (“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 the “Response to Motion to Lift Confidential and Ex Parte Status of the Appeal[s] Chamber’s Decision on [Ć]ori[ć]’s Motion Seeking Provisional Release”, filed confidentially and *ex parte* by Valentin Ćorić (“Ćorić”) on 31 March 2015 (“Response”), in which Ćorić opposes the Motion on the basis that the Decision relates solely to matters of importance to him;²

CONSIDERING that all decisions filed before the Tribunal shall be public unless there are exceptional reasons for maintaining their confidentiality;³

NOTING the Prosecution’s submission that no exceptional reasons exist to maintain the confidentiality of the Decision;⁴

CONSIDERING that Ćorić filed his motion seeking provisional release publicly, in which he disclosed his medical condition;⁵

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 medical condition and personal circumstances not previously disclosed in his Motion Seeking Provisional Release, which should be redacted from a public version;

¹ Motion, paras 1, 5. *See also* Motion, paras 2-4.

² Response, paras 2-3, p.3.

³ *See e.g., 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.

⁴ Motion, para. 4.

⁵ *See* Valentin Ćorić’s Request for Provisional Release, 5 December 2014 (public with a public annex) (“Motion Seeking Provisional Release”), para. 26.

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 and the Response to remain confidential and *ex parte*;

FOR THE FOREGOING REASONS,


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 and the Response.

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

Dated this 14th day of May 2015,
At The Hague,
The Netherlands.



Judge Theodor Meron
Presiding

[Seal of the Tribunal]