

**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: 22 July 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: 22 July 2015

PROSECUTOR

v.

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

PUBLIC

**DECISION ON ČORIĆ'S AND STOJIĆ'S MOTIONS TO STRIKE
PORTIONS OF THE PRLIĆ RESPONSE BRIEF OR TO GRANT
LEAVE TO REPLY TO THE PRLIĆ RESPONSE BRIEF**

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 Čorić
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 judgement rendered in French by Trial Chamber III of the Tribunal on 29 May 2013;¹

NOTING that Bruno Stojić (“Stojić”), Valentin Ćorić (“Ćorić”), and the Office of the Prosecutor (“Prosecution”) filed their appeal briefs against the Trial Judgement on 12 January 2015,² and that Jadranko Prlić (“Prlić”) filed his response brief to the Prosecution’s appeal on 7 May 2015;³

BEING SEISED of “Valentin Ćorić’s Motion to Strike, or in the Alternative, Request for Leave to Reply”, filed confidentially on 22 May 2015 (“Motion”), in which Ćorić requests the Appeals Chamber to: (i) strike paragraphs 142-146 of the Prlić Response Brief, on the grounds that they do not respond to the Prosecution Appeal Brief but to the Ćorić Appeal Brief, contrary to the Practice Direction on Formal Requirements for Appeals from Judgement; or, in the alternative, (ii) grant him leave to reply to the Prlić Response Brief;⁴

BEING FURTHER SEISED OF “Bruno Stojić’s Joinder to Ćorić Motion to Strike or for Leave to Reply”, filed confidentially on 27 May 2015 (“Joinder Motion”), in which Stojić joins the Motion, arguing that the Prlić Response Brief also impermissibly contains submissions on the Stojić Appeal Brief,⁵ and requests that: (i) paragraphs 58(f), 96-97, 116-117, and 123-127 be struck from the Prlić Response Brief; or, in the alternative, (ii) Stojić be granted leave to reply to the Prlić Response Brief;⁶

NOTING the “Prosecution Response to Valentin Ćorić’s Motion to Strike, or in the Alternative, Request for Leave to Reply”, filed confidentially on 1 June 2015 (“Prosecution Response”),⁷ in which the Prosecution: (i) concurs that the Prlić Response Brief contains submissions on other appellants’ appeal briefs, contrary to the Practice Direction; and (ii) requests an opportunity to

¹ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Judgement, 6 June 2014 (French original filed on 29 May 2013) (“Trial Judgement”).

² Bruno Stojić’s Appellant’s Brief, 12 January 2015 (confidential) (“Stojić Appeal Brief”); Appellant’s Brief of Valentin Ćorić, 12 January 2015 (confidential) (“Ćorić Appeal Brief”); Prosecution Appeal Brief, 12 January 2015 (confidential) (“Prosecution Appeal Brief”). *See also* Corrigendum to Appellant’s Brief of Valentin Ćorić, 12 January 2015 (confidential).

³ Jadranko Prlić’s Respondent’s Brief, 7 May 2015 (confidential) (“Prlić Response Brief”).

⁴ Motion, paras 4-15, p. 7, *referring to* Practice Direction on Formal Requirements for Appeals from Judgement, IT/201, 7 March 2002 (“Practice Direction”), para. 5.

⁵ Joinder Motion, paras 1-2, 8-16.

⁶ Joinder Motion, paras 9, 17-20, pp. 6-7.

⁷ Notwithstanding the confidential status of the Motion, the Joinder Motion, and the Prosecution Response, the Appeals Chamber finds no reason to render the present decision confidentially.

respond to any new argument, should Ćorić and Stojić be granted leave to reply to the Prlić Response Brief;⁸

NOTING that Prlić did not respond to the Motion or the Joinder Motion;

NOTING that the contested paragraphs of the Prlić Response Brief make submissions on the merits of certain arguments advanced in the Ćorić Appeal Brief and the Stojić Appeal Brief;⁹

RECALLING that paragraph 5 of the Practice Direction provides that the “opposite party” shall file a “Respondent’s Brief”, the content of which “shall be limited to arguments made in response to [the Appellant’s Brief]”;

CONSIDERING that the “opposite party” means the Prosecution when the appellant is a convicted person, and a defendant when the appellant is the Prosecution, and that arguments made in response must be limited to those raised by the relevant opposite party;

CONSIDERING that the Appeals Chamber will only consider the arguments raised in the Prlić Response Brief to the extent that they respond to the arguments raised by the Prosecution in its appeal against Prlić;

FINDING that to the extent that the Prlić Response Brief contains submissions on the merits of the Ćorić Appeal Brief and the Stojić Appeal Brief, the Appeals Chamber will disregard these submissions for the purposes of adjudicating the Prosecution’s appeal against Ćorić and Stojić, without prejudice to any possible similar arguments advanced by the Prosecution in its appeal against Ćorić and Stojić;


FINDING, as a result, that it is unnecessary to strike any paragraphs of the Prlić Response Brief, nor grant Ćorić or Stojić leave to reply to the Prlić Response Brief;

FOR THE FOREGOING REASONS,

DISMISSES the Motion and the Joinder Motion as moot.

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

Done this 22nd day of July 2015,
At The Hague,
The Netherlands.



Judge Theodor Meron
Presiding

[Seal of the Tribunal]

⁸ Prosecution Response, paras 1-2. The Prosecution does not adopt a position on the question of whether the paragraphs in question should be struck out. *See* Prosecution Response, para. 1.

⁹ Prlić Response Brief, paras 58(f), 96-97, 116-117, 123-127 (Stojić), 142-146 (Ćorić).