

**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: 12 June 2015

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. John Hocking
Order of: 12 June 2015

PROSECUTOR

v.

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

PUBLIC

**ORDER RELATING TO THE PROSECUTION'S
URGENT MOTION TO RECLASSIFY PUBLIC BRIEFS
AND MODIFY THE PUBLIC REDACTED BRIEFING
SCHEDULE**

The Office of the Prosecutor:

Mr. Douglas Stringer
Ms. Laurel Baig
Ms. Barbara Goy

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

I, Theodor Meron, Judge of 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), and Pre-Appeal Judge in the *Prlić et al.* case;

BEING SEISED of the “Urgent Motion to Reclassify All Public Redacted Briefs and to Modify Schedule and Procedure for Filing Public Redacted Briefs”, filed confidentially by the Office of the Prosecutor (“Prosecution”) on 10 June 2015 (“Motion”);

NOTING that the Motion requests the Appeals Chamber to: (1) temporarily reclassify all public and public redacted briefs filed, including those that will be filed, in these appellate proceedings (“Public Briefs”) as confidential;¹ (2) order the parties to fully redact all confidential information from the Public Briefs in accordance with internal guidelines or pursuant to the proper standard set out by the Appeals Chamber (“Redaction Request”);² and (3) modify the schedule and procedure for the filing of the Public Briefs;³

CONSIDERING the Prosecution’s submissions that it has noted different approaches taken by the parties to redactions and has identified instances of missing or improper redactions, and that the Motion should be granted in order to prevent the potential disclosure of confidential and witness identifying information in the Public Briefs;⁴

CONSIDERING further the Prosecution’s submissions that a modification of the schedule and procedure: (1) is necessary as it “is presently unable to meet the current 11 June 2015 deadline”⁵ for the filing of its public redacted briefs because it cannot cite to properly redacted briefs;⁶ and (2) will not have an impact on the schedule for the hearing of the appeal;⁷

FINDING that, in light of the Prosecution’s submissions and out of an abundance of caution, it is appropriate at this stage to temporarily reclassify the Public Briefs as confidential;

¹ Motion, paras 1, 4, 9(a)-(b). In light of the urgency of the request for reclassifying the filing status of the Public Briefs, and as the parties will suffer no prejudice, I have not awaited the responses from the Appellants before issuing this Order.

² Motion, paras 1, 7, 9(c). The Prosecution refers to a confidential internal memorandum dated 27 September 2012 on redaction guidelines, however it has not provided the Appeals Chamber with a copy of these guidelines for consideration. *See* Motion, para. 7, fn. 11.

³ Motion, paras 1, 4, 9(d).

⁴ Motion, paras 1, 3. *See* Motion, paras 5, 7.

⁵ Motion, para. 5. I note that I had asked the parties to file their public redacted briefs in a timely manner and suggested 30 days from 12 May 2015, which the Prosecution refers to as a deadline. *See* Status Conference, T. 54 (12 May 2015); Motion, para. 2.

⁶ Motion, para. 5. *See* Motion, para. 6.

⁷ Motion, para. 8.

FINDING further that any schedule or procedure for the filing of public redacted briefs is best addressed when the Redaction Request is determined by the Appeals Chamber;

PURSUANT TO Rule 54 of the Tribunal's Rules of Procedure and Evidence;

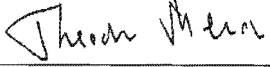
INSTRUCTS the Registry of the Tribunal to reclassify all public and public redacted briefs filed in these appellate proceedings as confidential, and withdraw them from the public domain, until a decision on the Motion is issued by the Appeals Chamber;

ORDERS the parties to suspend the filing of any public redacted brief until a decision on the Motion is issued by the Appeals Chamber; and

ENJOINS any person or organisation, including media organisations, which has possession of the public and public redacted briefs filed in these appellate proceedings from disclosing them to any other person(s) or organisation(s), or using these briefs in any way, as of the date and time this order is received, and warns that any such disclosure or use may result in contempt proceedings.

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

Done this twelfth day of June 2015,
At The Hague,
The Netherlands.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]