



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-01-47-A
Date: 4 May 2007
Original: English

THE PRE-APPEAL JUDGE

Before: Judge Mohamed Shahabuddeen, Pre-Appeal Judge
Registrar: Mr. Hans Holthius
Decision: 4 May 2007

PROSECUTOR

v.

**ENVER HADŽIHASANOVIĆ
AMIR KUBURA**

ORDER CONCERNING CONFIDENTIAL FILINGS

The Office of the Prosecutor:

Mr. Peter Kremer, QC
Mr. Arthur Buck
Ms. Antoinette Issa

Counsel for the Appellants:

Ms. Edina Rešidović and Mr. Stéphane Bourgon for Mr. Hadžihasanović
Mr. Fahrudin Ibrišimović and Mr. Rodney Dixon for Mr. Kubura

I, MOHAMED SHAHABUDEEN, 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 “International Tribunal”, respectively), and Pre-Appeal Judge in this case;¹

NOTING that the Appeals Chamber is presently seized of appeals from all parties from the Judgement rendered in the present case on 15 March 2006 by Trial Chamber II;

NOTING the “Appellant Brief on Behalf of Enver Hadžihasanović” (“Appeal Brief”) and the “Appeal Brief Annexes” which were filed confidentially by Enver Hadžihasanović (“Appellant”) on 5 February 2007 and 27 February 2007, respectively;

NOTING the “Prosecution’s Response Brief” (“Response Brief”) and the “Reply on Behalf of Enver Hadžihasanović to Prosecution’s Response Brief” (“Reply Brief”), which were filed confidentially on 19 March 2007 and 3 April 2007, respectively;

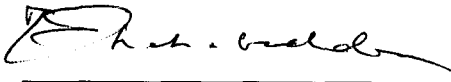
CONSIDERING that pursuant to Rules 78 and 107 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), all proceedings before the Appeals Chamber, which include the parties’ filings as part of the proceedings, shall be public unless there are exceptional reasons for keeping them confidential;²

CONSIDERING that, in view of the public character of appeals proceedings, it is the practice of the International Tribunal that parties shall file public redacted versions of all confidential briefs filed on appeal from a Trial Chamber’s judgement;³

ORDERS the Appellant to file public versions of his Appeal Brief (including the Appeal Brief Annexes) and Reply Brief and the Prosecution to file a public version of its Response Brief, wherein all confidential information is duly redacted, within two weeks of the filing of this Order.

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

Dated this 4th day of May 2007,
At The Hague,
The Netherlands.



Mohamed Shahabuddeen
Pre-Appeal Judge

[Seal of the International Tribunal]

¹ Order Assigning Judges to a Case Before the Appeals Chamber and Appointing a Pre-Appeal Judge, 26 April 2006.

² See, e.g., Rules 75 and 79 of the Rules. See *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Case No. IT-98-34-A, Decision on Vinko Martinović’s Withdrawal of Confidential Status of Appeal Brief, 4 May 2005, p. 3 (“*Naletilić Decision*”).

³ See *Naletilić Decision*, p. 3. See also *Mikaeli Muhimana v. The Prosecutor*, Case No. ICTR-95-1B-A, Decision on Prosecutor’s Motion Requesting the Appellant to File a Non-Confidential Appeal Brief, 14 August 2006, p. 1.