



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”,<sup>1</sup>

**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]’”,<sup>2</sup>

**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,<sup>3</sup>

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<sup>1</sup> Decision on Jurisdiction, para. 21.

<sup>2</sup> Decision on Jurisdiction, para. 21

<sup>3</sup> 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/*

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Judge Jean-Claude Antonetti

Presiding Judge

Done this twenty-second day of May 2008

At The Hague

The Netherlands

**[Seal of the Tribunal]**