



UNITED
NATIONS

Mechanism for International Criminal Tribunals

Case No.: MICT-15-96-T

Date: 11 July 2017

Original: English

IN THE TRIAL CHAMBER

Before: Judge Burton Hall, Presiding
Judge Joseph E. Chiondo Masanche
Judge Seon Ki Park

Registrar: Mr. Olufemi Elias

Date: 11 July 2017

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**STANIŠIĆ DEFENCE CONSOLIDATED RESPONSE TO PROSECUTION
MOTIONS FOR THE ADMISSION OF EVIDENCE PURSUANT TO RULE 111 OF
LUKA BRKIĆ AND JASNA DENONA**

The Office of the Prosecutor
Mr. Douglas Stringer

Counsel for Mr. Stanišić
Mr. Wayne Jordash QC
Mr. Iain Edwards

Counsel for Mr. Simatović
Mr. Mihajlo Bakrač
Mr. Vladimir Petrović

1. The Trial Chamber is seized of Prosecution motions seeking the admission, pursuant to Rule 111, of the evidence of Jasna Denona, filed on 27 June 2017, and, Luka Brkić, filed on 30 June 2017(collectively, ‘Motions’).

2. Both Denona and Brkić were witnesses for the Prosecution in the first trial and, according to the Prosecution, all the evidence that is proposed for admission in the Motions was admitted in the first trial. Consequently, the Defence for Mr. Stanišić do not in principle oppose the Motions.

3. However, Denona gives evidence about the Nadin attack on as well as attacks on Medvidia and Ervanik.¹ The Nadin attack was the subject of paragraph 30 of the Second Amended Indictment. This paragraph was struck from the Third Amended Indictment at the beginning of the first trial, on the Prosecution’s own suggestion, following an order of the first Trial Chamber to the effect that “[t]he Prosecution will not present evidence in respect of [...] the incidents described in paragraphs[...] 30 [...] of the Indictment”.²

4. In *Dragomir Milošević*, the ICTY Trial Chamber, presented with a similar application, refused to admit evidence of an allegation that had been dropped, observing that it would “maintain the ruling that it made when it exercised its discretion under 73 bis(D) and will not allow evidence to be led on this particular incident”.³

5. On that basis, the Defence objects to the Prosecution leading any evidence of the attacks on Nadin.

6. Attacks on Medvidia and Ervanik appear nowhere in the Indictment or the Pre-Trial Brief. The Defence objects to the admission of this evidence in the absence of any proper notice of these attacks.

¹ R70#80217, p. 1280.

² *Prosecutor v. Stanišić & Simatović*, Case No. IT-03-69-PT, Decision Pursuant to Rule 73 bis (d), 4 February 2008, pp. 8-9 (‘Decision’).

³ *Prosecutor v Dragomir Milosević*, Case No. IT-98-29/1-T, Decision on Prosecution’s Motion Pursuant to Rule 73 bis (f), 3 April 2007, para. 3; referring to *Prosecutor v Dragomir Milosević*, Case No. IT-98-29/1-T, Transcript, pp. 1305-6.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'WJ', with a long horizontal stroke extending to the right.

Wayne Jordash QC

11 July 2017

Word Count: 332



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