

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No: MICT-15-96-T

Date: 18 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

THE PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

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

The Office of the Prosecutor:
Mr. Douglas Stringer

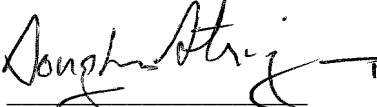
Counsel for Jovica Stanišić:
Mr. Wayne Jordash QC
Mr. Iain Edwards

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

1. Counts 1, 4 and 5 of the Third Amended Indictment allege that non-Serbs were persecuted, deported and forcibly transferred from the SAO Krajina (which encompasses Nadin, Medvida and Ervenik), between April 1991 and the end of 1995.¹ The withdrawal of paragraph 30 from the Revised Second Amended Indictment—which charged the murder of seven non-Serb civilians in Nadin in November 1991—only withdrew the charged murder incident from Counts 2 and 3. Contrary to Stanišić’s submissions,² it did not alter the Indictment relating to Counts 1, 4, and 5 or otherwise render evidence concerning Nadin inadmissible.

2. The Chamber has already rejected the arguments advanced by Stanišić when it ruled that the withdrawal of charged murders in Bijeljina had no impact on the allegations relating to crimes in Bijeljina relied on in support of Counts 1, 4 and 5.³ The same reasoning applies to Stanišić’s repeated submission.⁴

3. Stanišić’s objection to evidence concerning attacks on Medvida and Ervenik on the basis that these locations do not appear in the Indictment or Pre-Trial Brief is based on his flawed interpretation of pleading requirements.⁵ In a case of this scope, it is impracticable to identify the name of every town or village attacked in the Indictment.⁶ In any event, this evidence was admitted in the ICTY trial and there is no prejudice arising from its admission in the retrial.⁷



Douglas Stringer
Senior Trial Attorney

Dated this 18th day of July 2017
At The Hague, The Netherlands

Word Count: 336

¹ Third Amended Indictment, 10 July 2008, paras.22-25,64-65.

² Stanišić Defence Consolidated Response to Prosecution Motions for the Admission of Evidence Pursuant to Rule 111 of Luka Brkić and Jasna Denona, 11 July 2017 (“Stanišić Response”), paras.3-5.

³ Decision on Defence Oral Motion Requesting the Exclusion of Portions of John Wilson’s Evidence, 3 July 2017, paras.10-11.

⁴ Stanišić Response, paras.3-5.

⁵ Stanišić Response, para.6. See Prosecution Response to Stanišić Defence Motion for Further Particularisation of Prosecution Case, 31 May 2017, paras.8, 18.

⁶ *Prosecutor v. Enver Hadžihasanović et al.*, Case No. IT-01-47-PT, Decision on Form of Indictment,

7 December 2001, para.43; 14 November 2003 Decision.

⁷ R70#80217 was admitted as P00039 in the ICTY trial.



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