

**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Case No: MICT-15-96-T

Date: 29 August 2017

Original: English

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**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 WITH  
CONFIDENTIAL ANNEX***

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**JOINT MOTION OF ALL PARTIES FOR ADMISSION OF THE  
EVIDENCE OF AGREED WITNESSES AND ASSOCIATED  
EXHIBITS**

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**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. Pursuant to the Chamber's invitation for the Parties to agree on re-tendering the evidence of witnesses from the ICTY Proceedings,<sup>1</sup> the Parties jointly submit to the Chamber a list of 14 agreed witnesses. Annex A identifies the 14 witnesses and the testimony, statements and the exhibits which the Parties agree are associated thereto.<sup>2</sup> These include exhibits tendered through the witness in the ICTY proceedings as well as exhibits used with the witness or otherwise associated to the witness's evidence in the ICTY proceedings.<sup>3</sup>
2. As instructed in the Chamber's Guidelines, the parties agree that the Proposed Evidence should be treated as if it were provided pursuant to the same mode in this trial as during the ICTY proceedings, as if all conditions of the relevant Rule have been fulfilled.<sup>4</sup> Where the witness testified in court during the prior trial, the agreed witness materials include the video recording of the testimony to enable the Chamber to assess, among other things, the demeanour of the witness.
3. The Parties respectfully request that the Chamber admit the Proposed Evidence pursuant to the relevant Rule.<sup>5</sup>

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<sup>1</sup> Order on the Procedure for the Conduct of Trial, 6 December 2016 ("Guidelines"), para.12; Pre-trial Conference, 17 May 2017, T.257.

<sup>2</sup> Annex A ("Proposed Evidence").

<sup>3</sup> See Annex A.

<sup>4</sup> Guidelines, para.12. See Annex A. Witnesses Bićanić, A., Dasović S., Ibrahimović, R., Jelić, I., Josipović, J., RFJ-065, Šegarić, N. and Šegarić, T., were *92bis* witnesses in the ICTY proceedings. Their evidence will be received treated as Rule 110 evidence. Witnesses Denona J., RFJ-034, and RFJ-025 were *92ter* witnesses in the ICTY proceedings. Their evidence will be treated as Rule 111 evidence. Witnesses Albert, S., Brkić, B., and Kozarčanin, T. were *92quater* witnesses in the ICTY Proceedings. Their evidence will be treated as Rule 112 evidence.

<sup>5</sup> See fn.4. See also Annex A.

4. The Prosecution additionally seeks leave to add two exhibits, both pseudonym sheets from the ICTY proceedings, to its Rule 70(E) Exhibit List.<sup>6</sup> Prior to the present agreement reached by the parties the exhibits were not required for use during the retrial proceedings. The Defence agree to their addition to the Prosecution Exhibit List.

Word Count: 368



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Douglas Stringer  
Senior Trial Attorney



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Wayne Jordash QC  
Counsel for Jovica Staničić



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Mihajlo Bakrač  
Counsel for Franko Simatović

Dated this 29<sup>th</sup> day of August 2017  
At The Hague, The Netherlands

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<sup>6</sup> R70#81285 and R70#85334. *See* Annex A, Witness 10, Item 3; Witness 11, Item 17.



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE  
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/  
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| <b>Case Name/ Affaire :</b>                                 | <b>The Prosecutor vs Jovica Stanisic and Franko Simatovic</b>  | <b>Case Number/ Affaire n° :</b>  | <b>MICT-15-96-T</b>   |
| <b>Date Created/ Daté du :</b>                              | <b>29 August 2017</b>  | <b>Date transmitted/ Transmis le :</b>  | <b>29 August 2017</b>   |
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| <b>Title of Document/ Titre du document :</b>               | <b>JOINT MOTION OF ALL PARTIES FOR ADMISSION OF THE EVIDENCE OF AGREED WITNESSES AND ASSOCIATED EXHIBITS</b><br><b>Annex A is confidential</b> |   |   |
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