

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case: MICT-13-56-A  
Nos: MICT-15-96-T

Date: 18 June 2018

Original: English

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**IN THE APPEALS CHAMBER**

**Before:** Judge Theodor Meron, Presiding  
Judge Carmel Agius  
Judge Liu Daqun  
Judge Prisca Matimba Nyambe  
Judge Seymour Panton

**Registrar:** Mr. Olufemi Elias

**THE PROSECUTOR**

v.

**RATKO MLADIĆ**

**PUBLIC**

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**PROSECUTION RESPONSE TO REQUEST OF FRANKO  
SIMATOVIĆ FOR ACCESS TO CONFIDENTIAL MATERIAL IN  
THE *PROSECUTOR V. RATKO MLADIĆ***

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**The Office of the Prosecutor:**

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Branko Lukić  
Dragan Ivetić

**Counsel for Jovica Stanišić:**

Wayne Jordash  
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**Counsel for Franko Simatović:**

Mihajlo Bakrač  
Vladimir Petrović

1. Franko Simatović's Request for Access to confidential *inter partes* material in *Prosecutor v. Ratko Mladić*<sup>1</sup> should be granted in part based on the recognised nexus between certain aspects of the two cases. In these circumstances, Simatović should be granted access to the same pre-trial and trial materials, upon the same conditions, as his co-Accused Jovica Stanišić.<sup>2</sup> Simatović should also be granted access to confidential *inter partes* materials in *Mladić* appeal proceedings related to the same subjects, and with the same conditions, as those to which Stanišić has been granted access in *Mladić* pre-trial and trial proceedings.<sup>3</sup>

2. However, Simatović has failed to demonstrate a legitimate forensic purpose justifying access to materials related to the Sarajevo component of the *Mladić* case. The *Mladić* Trial Chamber denied Stanišić access to such documents because it found “no temporal, geographical, or otherwise material overlap” between the two cases' Indictments with regard to these events.<sup>4</sup>

3. The Prosecution notes that Simatović has also made no showing that he should be granted access to non-evidentiary material, that is, confidential filings, submissions or Chamber decisions.<sup>5</sup> However, the *Mladić* Trial Chamber determined that Simatović's co-Accused should have access to such materials, subject to certain restrictions.<sup>6</sup> For this reason, the Prosecution does not oppose this aspect of Simatović's Request, subject to the same restrictions as his co-Accused.

4. For the foregoing reasons, the Prosecution requests that the Chamber grant Simatović access to (1) confidential material from the pre-trial and trial proceedings upon the same conditions as his co-Accused and (2) confidential material from the appeal proceedings on the same subjects and with the same conditions as applicable to the pre-trial and trial proceedings.

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<sup>1</sup> Request of Franko Simatović for Access to Confidential Material in the *Prosecutor v. Ratko Mladić*, 7 June 2018 (“Request for Access”).

<sup>2</sup> See *Prosecutor v. Mladić*, Case No.IT-09-92-T, Decision on Jovica Stanišić Request for Access to Confidential Material in the *Mladić* Case, 1 November 2016 (“Stanišić Access Decision”). This includes confidential *inter partes* material “related to crimes alleged to have been committed as a part of the Overarching, Srebrenica, and Hostages JCEs between 12 May 1992 and 30 November 1995.” Stanišić Access Decision, Disposition, p.4.

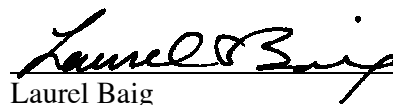
<sup>3</sup> See Stanišić Access Decision, Disposition, p.4.

<sup>4</sup> Stanišić Access Decision, para.7.

<sup>5</sup> *Contra* Request for Access, para.2.

<sup>6</sup> Stanišić Access Decision, Disposition, pp.4-5.

Word Count: 379



Laurel Baig  
Senior Appeals Counsel

Dated this 18<sup>th</sup> day of June 2018  
At The Hague, The Netherlands



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<b>Date Created/ Daté du :</b>	<b>18 June 2018</b>	<b>Date transmitted/ Transmis le :</b>	<b>18 June 2018</b>	<b>No. of Pages/ Nombre de pages :</b>	<b>3</b>
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Rev: April 2014/Rév. : Avril 2014