



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-03-69-T  
Date: 12 January 2011  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Michèle Picard  
Judge Elizabeth Gwaunza

**Registrar:** Mr John Hocking

**Decision of:** 12 January 2010

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

**PUBLIC**

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**DECISION ON MOTION FOR ADMISSION  
OF AGREED FACTS**

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**Office of the Prosecutor**

Mr Dermot Groome

**Counsel for Jovica Stanišić**

Mr Wayne Jordash  
Mr Geert-Jan Alexander Knoops

**Counsel for Franko Simatović**

Mr Mihajlo Bakrač  
Mr Vladimir Petrović

**TRIAL CHAMBER I** 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 (“Chamber”);

**BEING SEISED** of the “First Joint Motion for Admission of Agreed Facts between the Prosecution and the *Stanišić* Defence” filed on 16 February 2010 (“Motion”), requesting the Chamber to “accept as agreed facts those facts enumerated in Annex A” to the Motion and to “admit Annex A into the record of evidence of the trial pursuant to Rules 65ter(H) and 89(C)”;<sup>1</sup>

**NOTING** the “First Joint Motion for Admission of Agreed Facts between the Prosecution and the *Stanišić* Defence (Notice of Assent by *Stanišić* Defence)” filed on 22 February 2010, whereby the *Stanišić* Defence stated that it had reviewed the Motion and assented to it being filed jointly;

**NOTING** that Annex A to the Motion lists the facts that are agreed between the Prosecution and the *Stanišić* Defence;

**NOTING** that the agreed facts were discussed in court on 25 May and 2 June 2010;<sup>2</sup>

**NOTING** that on 29 September 2010, the Simatović Defence was ordered to present its position on the facts presented in Annex A to the Motion no later than 3 November 2010;<sup>3</sup>

**NOTING** the “Simatović Defence Notice First Joint Motion for Admission of Agreed Facts” filed on 3 November 2010, in which the Simatović Defence agreed to parts B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q of Annex A to the Motion, but also indicated that it does not agree to part A of Annex A to the Motion;

**CONSIDERING** that there is agreement between the Prosecution, the *Stanišić* Defence and the Simatović Defence regarding the facts set out in parts B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q of Annex A to the Motion;

**CONSIDERING** that the material presented and agreed upon in Annex A to the Motion will be part of the trial record and that the Chamber may rely on these facts for the truth of their content without additional evidence, but is not bound by them;

**CONSIDERING** further that formal admission of the agreed facts and the assigning of exhibit numbers to them would constitute an unnecessary procedural step;<sup>4</sup>

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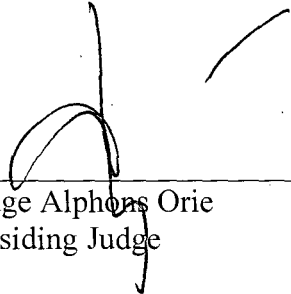
<sup>1</sup> Motion, para. 1.

**FOR THE FOREGOING REASONS**

**HEREBY DENIES** the request to formally admit Annex A to the Motion into the record of evidence pursuant to Rules 65*ter* (H) and 89(C);

**TAKES NOTICE OF** the agreed facts set out in parts B, C, D, E, F,G, H, I, J, K, L, M, N, O, P and Q of Annex A to the Motion.

Done in English and French, the English version being authoritative.



Judge Alphonse Orié  
Presiding Judge

Dated this twelfth day of January 2011  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>2</sup> T. 5287-5296 (25 May 2010); 5680-5683 (2 June 2010).

<sup>3</sup> T. 7753-7754.

<sup>4</sup> See also, *Prosecutor v. Gotovina et al.*, IT-06-90-T, T. 26466-26469 (18 December 2009).