



(IT-03-69)

STANIŠIĆ & SIMATOVIĆ

The Prosecutor v. Jovica Stanišić and Franko Simatović



JOVICA STANIŠIĆ

Indicted for murder, persecutions on political, racial and religious grounds, deportation and inhumane acts/forcible transfer



Head or Chief of the State Security Service (DB) of the Ministry of the Internal Affairs of the Republic of Serbia (MUP)

FRANKO SIMATOVIĆ

Indicted for murder, persecutions on political, racial and religious grounds, deportation and inhumane acts/forcible transfer



Initially worked on counter intelligence within the DB and then moved into the newly formed Intelligence Administration (or Second Administration) of the DB and as such was the commander of the Special Operations Unit of the DB

Crimes indicted for (examples):

Persecutions on political racial or religious grounds; murder; deportation; inhumane acts (forcible transfer) (crimes against humanity)

Murder (violations of the laws or customs of war)

- From no later than 1 April 1991 until 31 December 1995, Jovica Stanišić and Franko Simatović, acting alone or in concert with members of a joint criminal enterprise, planned, ordered and/or otherwise aided and abetted the planning, preparation and/or execution of persecutions of Croats, Bosnian Muslims and Bosnian Croats and other non-Serbs within the Serbian Autonomous District of Krajina (SAO Krajina) and the Serbian Autonomous District of Slavonia, Baranja and Western Srijem/Srem (SAO SBWS), both Serb-controlled areas of Croatia, as well as in Bosnia and Herzegovina in the municipalities of Bijeljina, Bosanski Šamac, Doboje, Sanski Most, Trnovo, and Zvornik.
- These persecutions were committed on the discriminatory grounds of political affiliation, race or religion, and included the murder, forcible transfer and deportation of Croats, Bosnian Muslims, Bosnian Croats and other non-Serb civilians.

JOVICA STANIŠIĆ	
Born	30 July 1950 in Ratkovo, Serbia
Indictment	Initial: 1 May 2003; amended: 29 January 2004; revised second amended: 31 May 2006; third amended: 10 July 2008
Arrested	13 March 2003, by Serbian authorities
Transferred to ICTY	11 June 2003
Initial appearance	13 June 2003, pleaded not guilty to all charges

FRANKO SIMATOVIĆ	
Born	1 April 1950 in Belgrade, Serbia
Indictment	Initial: 1 May 2003; amended: 29 January 2004; revised second amended: 31 May 2006; third amended: 10 July 2008
Arrested	13 March 2003, by Serbian authorities
Transferred to ICTY	30 May 2003
Initial appearance	2 June 2003, pleaded not guilty to all charges

STATISTICS

TRIAL	
Commenced	28 April 2008; suspended <i>sine die</i> on 16 May 2008; re-commenced on 9 June 2009
Trial Chamber I	Judge Alphons Orié (presiding), Judge Michèle Picard, Judge Elizabeth Gwaunza
Counsel for the Prosecution	Dermot Groome
Counsel for the Defence	For Jovica Stanišić: Wayne Jordash, Scott Martin For Franko Simatović: Mihajlo Bakrač, Vladimir Petrović

RELATED CASES by geographical area
BLAGOJEVIĆ & JOKIĆ (IT-02-60) "SREBRENICA"
ERDEMOVIĆ (IT-96-22) "PILICA FARM"
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"
MARTIĆ (IT-95-11)
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"
MLADIĆ (IT-09-92) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
NIKOLIĆ MOMIR (IT-02-60/1) "SREBRENICA"
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"
ORIĆ (IT-03-68)
PERIŠIĆ (IT-04-81)
POPOVIĆ <i>et al.</i> (IT-05-88) "SREBRENICA"
TOLIMIR (IT-05-88/2) "SREBRENICA"
TRBIĆ (IT-05-88/1) "SREBRENICA"

INDICTMENT AND CHARGES

The indictment against Stanišić and Simatović was filed and confirmed on 1 May 2003. On 9 December 2003, the Prosecution filed an amended indictment which was confirmed on 29 January 2004. Further amendments were made in a second amended indictment filed on 20 December 2005. On 12 April 2006, the Trial Chamber ordered the Prosecution to make some linguistic corrections and to clarify certain sections of the second amended indictment. The Prosecution filed the revised second amended indictment on 15 May 2006. On 31 May 2006, the Trial Chamber ordered that the revised second amended indictment be the operative indictment in the case. It also ordered the Prosecution to correct the numbering of the paragraphs in the indictment, which the Prosecution did in its filing of the revised second amended indictment on 1 June 2006.

On 4 February 2008, the Trial Chamber ordered the Prosecution to reduce the scope of the indictment pursuant to Rule 73bis of the Rules. On 11 February 2008, the Prosecution sought leave to amend the indictment including not only the modifications ordered by the Chamber but also new and further amendments. The motion was granted and subsequently on 10 July 2008 the Prosecution filed the third amended indictment, which became the operative indictment in the case.

The indictment alleges that in or about April 1991, Stanišić and Simatović helped to establish a training centre in Golubić, near Knin, in the Serb Autonomous Region (SAO) Krajina in Croatia. At this training centre, they organised, supplied, financed, supported and directed the training of "Serb Forces". Additional training centres were subsequently established in Serb-held parts of Croatia and Bosnia and Herzegovina ("BiH") and they were financed by the Serbian State Security Service ("DB"). Volunteers and conscripts were trained at these centres, and some were subsequently deployed to the special units of the Serbian DB or became instructors in other units affiliated with the Serbian DB. These special units were secretly established by or with the assistance of the Serbian DB from no later than April 1991 and continued throughout the indictment period for the purpose of undertaking special military actions in the Republic of Croatia and BiH. These units included groups or members of groups known by the following names: Special Purpose Unit of the MUP Serbia, JATD (Jedinice za antiteroristička dejstva) and JSO (Jedinice za specijalne operacije) (both also known as "Red Berets"), Scorpions, Serbian Volunteer Guard (SDG) also known as Arkan's Men or Arkanovci, and the elite SDG unit known as "Arkan's Tigers".

It is further alleged that from no later than April 1991 through to the end of 1991, Serb forces, in particular special units of the Republic of Serbia DB operating in coordination with the JNA, the Territorial Defence (TO), and paramilitary forces, committed crimes in and attacked and took control of towns and villages in the SAO Krajina and the SAO SBWS. Furthermore, from March 1992 and continuing through 1995, Serb forces, in particular special units of the Republic of Serbia DB, committed crimes in and attacked and took control of towns and villages in the municipalities of Bijeljina, Bosanski Šamac, Doboje, Sanski Most, Zvornik and committed crimes in Trnovo.

The indictment alleges that the accused were participating in a joint criminal enterprise, whose alleged purpose was the forcible and permanent removal of the majority of non-Serbs, principally Croats, Bosnian Muslims and Bosnian Croats, from large areas of Croatia and BiH.

Individuals who participated in this joint criminal enterprise also included Slobodan Milošević, Veljko Kadijević, Blagoje Adžić, Ratko Mladić, Radmilo Bogdanović, Radovan Stojičić, also known as "Badža", Mihalj Kertes, Milan Martić, Goran Hadžić, Milan Babić, Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Mićo Stanišić, Željko Ražnjatović, also known as "Arkan", Vojislav Šešelj, and other members of the Serb forces.

The indictment further alleges that in June 1995, Stanišić and Simatović ordered the Scorpions, a special unit of the Republic of Serbia DB, to travel from their base in Đeletovci in RSK, to Serb controlled territory near Sarajevo. The Scorpions arrived in BiH in early July 1995 and based themselves in the village of Trnovo, at the foot of Treskavica Mountain, near Sarajevo. In July 1995, certain Muslim men and boys who were captured after the fall of Srebrenica enclave were taken to the base of the Scorpions in Trnovo. On the orders of Slobodan Medić (Boca) members of the Scorpions took six of these detainees by truck to a secluded rural area at Godinjske Bare, several kilometres from their base, where they murdered them by shooting them. Acting on Medić's orders, they videotaped the murders.

Stanišić and Simatović are accused of having planned, ordered, committed and/or otherwise aided and abetted the planning, preparation and/or execution of crimes described above.

Stanišić and Simatović are charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- **Persecutions on political racial or religious grounds; murder; deportation; inhumane acts (forcible transfer)** (crimes against humanity, Article 5)
- **Murder** (violations of the laws or customs of war, Article 3)

PRE-TRIAL

On 28 July 2004, the Trial Chamber granted motions for provisional release from both accused.

On 8 October 2004, the Prosecution filed appeals against the decisions on provisional release. On 3 December 2004, the Appeals Chamber dismissed the Prosecution's appeals.

On 6 February 2008, the Trial Chamber terminated the provisional release of both accused and ordered them to return to the UN Detention Unit on 11 February 2008.

TRIAL

The trial was initially scheduled to commence on 27 February 2008. However, due to the ill-health of the accused Stanišić, the commencement of the trial was postponed on a number of occasions. On 7 and 8 April, the parties examined a neuro-psychiatrist regarding the health of the accused. Subsequently, on 9 April 2008, the Trial Chamber confirmed that Stanišić was fit to stand trial and scheduled the commencement of the trial for 14 April 2008 provided that the accused be able to follow the proceedings via video-link from the UN Detention Unit if he was not able to attend court. On 14 April 2008, the proceedings were postponed again due to the fact that the video-link was not fully established, after which the Chamber ordered that the trial should commence on 28 April 2008. On 23 April 2008, the Defence filed its appeal against the decision of 9 April 2008, asking for the adjournment of the proceedings for three months.

The trial commenced on 28 April 2008. However, Stanišić neither attended the proceedings nor followed them from the Detention Unit on any of the trial days. Subsequently, on 16 May 2008, the Appeals Chamber granted the Defence's appeal and ordered that the trial be adjourned for a minimum of three months and that the accused's state of health be reassessed before determining when the trial should resume.

On 26 June 2008, both accused were granted provisional release.

On 6 April 2009, the Prosecution filed a motion for revocation of Stanišić's provisional release and re-assessment of his health. The motion was granted on 24 April 2009 and the Trial Chamber ordered both Stanišić and Simatović to return to the UN Detention Unit in The Hague by 4 May 2009 for the commencement of the trial, which took place on 9 June 2009.

On 15 October 2009, the Chamber granted the motion by Simatović Defence for the adjournment of proceedings due to the death of the previous lead counsel for Simatović and the consequent formation of a new Defence team.

On 15 October 2009, the Chamber ordered that Simatović be provisionally released from 19 October until 25 November 2009.

The trial resumed on 30 November 2009. The Prosecution rested its case on 5 April 2011. The Defence case commenced on 15 June 2011.

RULE 98*bis* DECISION

After the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule on whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charges, it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of Defence evidence.

On 5 May 2011, the Trial Chamber issued an oral decision pursuant to Rule 98*bis* dismissing the motion for acquittal filed by Simatović.