

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-15-96-A

Date: 10 December 2021

Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Pre-Appeal Judge

Registrar: Mr. Abubacarr Tambaou

Order of: 10 December 2021

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**ORDER ON VIDEOCONFERENCE-LINK PARTICIPATION IN
STATUS CONFERENCE**

The Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Laurel Baig
Ms. Barbara Goy

Counsel for Mr. Jovica Stanišić:

Mr. Wayne Jordash
Mr. Joe Holmes

Counsel for Mr. Franko Simatović:

Mr. Mihajlo Bakrač
Mr. Vladimir Petrović

I, CARMEL AGIUS, Judge of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Pre-Appeal Judge in this case;¹

NOTING the judgement pronounced by the Trial Chamber of the Mechanism in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. MICT-15-96-T, on 30 June 2021 and filed in writing on 6 August 2021,² and that Mr. Jovica Stanišić (“Stanišić”), Mr. Franko Simatović (“Simatović”), and the Office of the Prosecutor of the Mechanism have appealed against the Trial Judgement;³

RECALLING the “Order Scheduling a Status Conference” issued on 15 November 2021 (“Scheduling Order”), wherein I ordered: (i) the status conference in this case to take place on Thursday, 16 December 2021 at the Hague Branch of the Mechanism (“Status Conference”); and (ii) Stanišić and Simatović to provide written notice within seven days of the filing of the Scheduling Order in the event that either would wish to proceed with the status conference in accordance with Rules 69(C)(i) or 69(C)(ii) of the Rules of Procedure and Evidence of the Mechanism (“Rules”);⁴

BEING SEIZED OF the “Stanišić Defence Request Pursuant to Rule 69(C)(ii)”, filed on 8 December 2021 (“Request”), submitting that, due to an oversight, the Defence for Stanišić did not file a written notice within the prescribed time period and presently seeks leave to give notice that Stanišić and his Counsel wish to attend the Status Conference via videoconference-link pursuant to Rule 69(C)(ii) of the Rules (“Notice”);⁵

CONSIDERING that, in accordance with Rule 69(C)(ii) of the Rules, with the written consent of the person in custody, given after receiving advice from his counsel, a status conference may be conducted in the absence of the person in custody, but with his participation via teleconference if he so wishes and/or participation of his counsel via teleconference or videoconference;

CONSIDERING that it is in the interests of justice to grant leave and accept the belatedly filed Notice;

¹ Order Assigning Judges to a Case Before the Appeals Chamber, 10 September 2021, p. 1; Order Assigning a Pre-Appeal Judge, 15 September 2021, p. 1.

² *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. MICT-15-96-T, Judgement, 6 August 2021 (“Trial Judgement”).

³ Stanišić Defence Appeal Brief, 22 November 2021 (confidential); Simatović Defence Appeal Brief, 22 November 2021 (confidential); Prosecution Appeal Brief, 22 November 2021 (confidential). *See also* Stanišić Defence Notice of Appeal, 6 September 2021; Simatović Defence Notice of Appeal, 6 September 2021; Prosecution Notice of Appeal, 6 September 2021.

⁴ Scheduling Order, pp. 1, 2.

⁵ Request, para. 3.

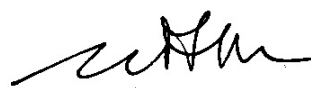
CONSIDERING FURTHER that Stanišić has been appropriately advised concerning his rights and that he has submitted written consent in accordance with Rule 69(C)(ii) of the Rules to the United Nations Detention Unit;⁶

PURSUANT to Rule 69(C) of the Rules,

HEREBY GRANT the Request and **INSTRUCT** the Registrar of the Mechanism to make the necessary arrangements to allow Stanišić and his Counsel to participate in the Status Conference by means of videoconference-link pursuant to Rule 69(C)(ii) of the Rules.

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

Done this 10th day of December 2021,
At The Hague,
The Netherlands



Judge Carmel Agius
Pre-Appeal Judge

[Seal of the Mechanism]

⁶ Addendum to Stanišić Defence Request Pursuant to Rule 69(C)(ii), 9 December 2021 (confidential), paras. 1, 2, Annex, Registry pagination 1944; Request, para. 4.



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