

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No: MICT-15-96-ES.1

Date: 31 August 2023

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Date: 31 August 2023

PROSECUTOR

v.

FRANKO SIMATOVIĆ

PUBLIC

**REGISTRAR'S SUBMISSION IN RELATION TO THE
"DECISION ON THE APPLICATION FOR EARLY RELEASE
OF FRANKO SIMATOVIĆ" OF 29 AUGUST 2023**

Pro Bono Counsel for Mr. Franko Simatović:

Mr. Mihajlo Bakrač

Mr. Vladimir Petrović

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals and the “Decision on the Application for Early Release of Franko Simatović” dated 29 August 2023 (“Decision”), I respectfully file this submission.¹
2. In the Decision, the President *inter alia* instructed the Registrar to, following receipt of information from the Serbian authorities that Mr. Simatović has arrived at his place of residence or the relevant medical clinic, lift the confidential status of the Decision and recirculate it as a public filing, and file the signed conditional release agreement annexed to the Decision (“Agreement”) as a public document on the judicial record in this case.²
3. In compliance with the Decision, I hereby advise that the Registry received the relevant notification from the authorities of the Republic of Serbia.³ The confidential Decision was subsequently recirculated by the Registry as a public filing. The signed Agreement is annexed to the present submission.
4. The Registry remains available should any further information be required.

Respectfully submitted,



Abubacarr M. Tambaou
Registrar

Dated this 31st day of August 2023,
At The Hague,
The Netherlands.

¹ *Prosecutor v. Franko Simatović* (“*Simatović*”), Case No. MICT-15-96-ES.1, Decision on the Application for Early Release of Franko Simatović, confidential, 29 August 2023 (reclassified as public on 31 August 2023).

² See Decision, p. 5.

³ Email from the Embassy of the Republic of Serbia to the Kingdom of the Netherlands to the Head of Judicial Records Unit, Registry, Hague Branch, dated 31 August 2023.

ANNEX



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ANNEX**CONDITIONAL EARLY RELEASE AGREEMENT**

Name: SIMATOVIC FRANKO Date of Birth: 1.04.1950

I, the undersigned, declare that:

1. I have received the authoritative English version of this document, as well as the official translation into Bosnian/Croatian/Serbian ("BCS"), and have been advised by my recognised counsel ("Counsel") with regard to its contents, including the individual conditions set forth herein.
2. I have read, understand, and agree to comply fully with all conditions of my early release, as set forth below.
3. I agree to comply fully with all of the following conditions:
 - A. I shall remain under the supervision of a monitoring authority designated by Serbia ("Monitoring Authority") during the remainder of my sentence;
 - B. I shall comply with any requirement made of me by the Monitoring Authority;
 - C. I shall notify the Monitoring Authority of my address of residence in Serbia, as well as the address of the medical clinic where I will receive treatment;
 - D. I shall remain within the confines of my residence or the relevant medical clinic during the remainder of my sentence. My presence at any other location, apart from during transit between the above two, must be requested before the President and approved in advance. Should an advance request not be possible due to an emergency situation, notice must be given as soon as possible, but in any event within 24 hours, and the President may then take appropriate steps;
 - E. I shall be subject to 24-hour surveillance undertaken by authorised officials of the Monitoring Authority throughout my presence in Serbia;
 - F. I shall surrender all my travel documents to the Monitoring Authority for the entire duration of my conditional release;
 - G. I shall submit to a monthly consultation with the independent medical expert in my case, who shall subsequently submit a report of such consultation for filing on the judicial record;
 - H. I shall surrender to the Serbian authorities with a view to being transferred to the custody of the Mechanism, should the President so order for any reason;
 - I. I shall have no contact whatsoever with or, directly or indirectly, try to harm, intimidate, or otherwise interfere with, victims or witnesses who testified in my case or other cases before the ICTY or the Mechanism and/or members of their respective families, with the sole exception being contact with witnesses who testified in my own defence;



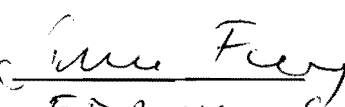
 MICT - MURIT

- J. I shall not interfere in any way with the proceedings of the Mechanism or the administration of justice;
 - K. I shall not violate any orders issued by the ICTY or the Mechanism, and shall not otherwise reveal the identities of witnesses or potential witnesses in any way;
 - L. I shall not discuss my case, including any aspect of the events in the former Yugoslavia that were the subject of my case, with the media, through social media, or with anyone other than my Counsel, unless this has been specifically authorised in advance by the President;
 - M. I shall not make any statement denying the crimes over which the ICTY had jurisdiction, and over which the Mechanism retains jurisdiction, that were committed during the conflict in the former Yugoslavia;
 - N. I shall under no circumstances, directly or indirectly, express publicly any agreement with, or otherwise contribute in any way to, the glorification of persons convicted by the ICTY or the Mechanism;
 - O. I shall conduct myself honourably and peacefully in the community in which I will reside, and shall not engage in meetings or associations intended to plan civil unrest or actively engage in any political activities except for voting;
 - P. I shall deposit any firearms and other weapons requiring a licence with the Serbian authorities, and shall not purchase, possess, use, or handle any firearms or other weapons requiring a license;
 - Q. I shall not commit any offence that is punishable by any term of imprisonment, nor shall I publicly or privately incite or promote such an offence;
 - R. I shall notify the Monitoring Authority of any arrest, summons, or questioning by a law enforcement officer; and
 - S. I shall make efforts to contribute to my rehabilitation and resocialisation.
4. I understand and agree that I shall be subject to the conditions stated herein, unless they are revoked or modified, until the completion of my sentence.
5. I understand and agree that any change in the foregoing conditions can only be authorised by the President.
6. I understand and agree that if I violate or otherwise fail to comply fully with any of the conditions set out in this agreement, then my early release may be revoked at the sole discretion of the President.
7. I understand and accept that Serbia is obligated to:



- (a) designate the authorised official(s) into whose custody I shall be delivered;
- (b) notify, as soon as practicable, the Registrar of the name(s) of the designated official(s);
- (c) designate a Monitoring Authority to supervise my conditional release in Serbia;
- (d) ensure my personal security and safety while on conditional release in Serbia;
- (e) provide 24-hour surveillance of me throughout my conditional release in Serbia;
- (f) cover any expenses that may arise in connection with my conditional release in Serbia;
- (g) register my final conviction by the Mechanism in my criminal record in Serbia;
- (h) revoke any licenses for firearms or other weapons that I may possess and ensure that no new licences are issued to me until the expiration of my sentence;
- (i) report immediately to the Registrar any threats to the security of any person as a consequence of my conditional release in Serbia;
- (j) detain me immediately should I breach any conditions of this agreement, and report immediately such breach to the Mechanism;
- (k) transfer me immediately to the custody of the Mechanism following a request by the Mechanism to do so; and
- (l) submit to the Registrar every month and for filing on the judicial record, a written report concerning my adherence to the conditions of my release.

8. I understand that once I have signed the authoritative English version of this document, as well as the official BCS translation, the original signed document (in both languages) is to be provided to the Registry of the Mechanism, which will subsequently file it publicly on the judicial record in *Prosecutor v. Franko Simatović*, Case No. MICT-15-96-ES.1, and that until I have been transferred to my place of residence or to the relevant medical clinic, this matter must remain confidential for reasons of security.

Signature: 

Name: FRANKO S. SIMATOVIĆ

Date: 30.8.23



MCT-MRTP

Witnessed by (for Franko Simatović):

Signature:

Name:

Date:

Ksenija Midentović
KSENJA MIDENTOVIĆ
30.08.2023.

Witnessed by (for the Mechanism):

Signature:

Name:

Date:

Asa Rydberg van der Sluis
ASA RYDBERG VAN DER SLUIS
30/08/2023



IRACT - MIFRT

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DODATAK

SPORAZUM O USLOVNOM PREVREMENOM PUŠTANJU NA SLOBODU

Ime i prezime: FRANKO SILATOVIĆ Datum rođenja: 1. 04. 1950

Ja, dole potpisani, izjavljujem sledeće:

1. Primio sam primerak ovog dokumenta u merodavnoj verziji na engleskom jeziku kao i njegov zvaničan prevod na bosanskom/hrvatskom/srpskom (dalje u tekstu: BHS) jeziku, a moj pravni zastupnik kog je priznao Mehanizam (dalje u tekstu: zastupnik) posavetovao me je u vezi sadržaja istog, kao i o pojedinačnim uslovima navedenim niže u tekstu.
2. Pročitao sam i razumeo, te pristajem da u potpunosti ispunim sve uslove prevremenog puštanja na slobodu, navedene niže u tekstu.
3. Pristajem da u potpunosti ispunim sve niže navedene uslove:
 - A. Ostaću pod nadzornom nadzorne vlasti koju odredi Srbija (dalje u tekstu: nadzorna vlast) tokom preostalog dela kazne;
 - B. Postupaću u skladu sa svim uslovima koje odredi nadzorna vlast;
 - C. Prijaviću nadzornoj vlasti svoju adresu prebivališta u Srbiji, kao i adresu zdravstvene ustanove u kojoj ću se lečiti;
 - D. Boraviću samo na adresi prebivališta ili u relevantnoj zdravstvenoj ustanovi tokom preostalog dela kazne. Za moje prisustvo na bilo kojoj drugoj lokaciji, osim u toku tranzita između ove dve gore navedene lokacije, mora se Predsedniku podneti zahtev koji mora biti odobren unapred. Ako, zbog hitnosti situacije, nije moguće podneti zahtev unapred, Predsedniku se mora podneti obaveštenje što je pre moguće, ali svakako u roku od 24 sata, a Predsednik tada može preduzeti odgovarajuće korake;
 - E. U toku celokupnog boravka u Srbiji, biću pod stalnim nadzorom ovlašćenih lica nadzorne vlasti;
 - F. Nadzornoj vlasti ću predati sve putne isprave za vreme trajanja celokupnog uslovnog puštanja na slobodu;
 - G. Pristajem da me svakog meseca pregleda nezavisni medicinski stručnjak imenovan u mom predmetu, koji će zatim podneti izveštaj o pregledu koji će se zavoditi u spis predmeta;
 - H. Predaću se vlastima Srbije radi prebacivanja u nadležnost Mehanizma ako to iz bilo kog razloga naredi Predsednik;



DMCT - MICTY

- I. Neću stupati u bilo kakav kontakt, direktno ili indirektno, niti ću pokušati da povredim, zastrašim ili na drugi način uznemiravam ni žrtve, ni svedoke koji su svedočili u mom predmetu ili u drugim predmetima pred Međunarodnim krivičnim sudom za bivšu Jugoslaviju (dalje u tekstu: MKSJ) ili Mehanizmom, kao ni sa članovima njihovih porodica, s isključivim izuzetkom kontakta sa svedocima koji su svedočili u moju odbranu;
 - J. Ni na koji način neću ometati postupke Mehanizma ni sprovođenje pravde;
 - K. Neću prekršiti nijedan nalog MKSJ ili Mehanizma i ni na koji način neću otkriti identitet svedoka ili potencijalnih svedoka;
 - L. Neću govoriti, putem medija, društvenih mreža, ili bilo s kim osim sa svojim zastupnikom, o svom predmetu, uključujući bilo koji aspekt događaja u bivšoj Jugoslaviji koji su bili predmet mog suđenja, sem ukoliko to konkretno nije unapred odobreno od strane Predsednika;
 - M. Neću davati nikakve izjave kojima se negiraju zločini nad kojima je MKSJ imao nadležnost i nad kojima Mehanizam zadržava nadležnost, a koji su počinjeni tokom sukoba u bivšoj Jugoslaviji;
 - N. Ni pod kojim okolnostima neću, direktno ili indirektno, javno izraziti slaganje sa licima koja su osudili MKSJ ili Mehanizam ili na bilo koji način doprineti njihovom veličanju;
 - O. U zajednici u kojoj boravim ponašaću se časno i miroljubivo i neću učestvovati u sastancima ili udruženjima namenjenim planiranju građanskih nereda niti aktivno učestvovati u bilo kakvim političkim aktivnostima, sem glasanja;
 - P. Sve vatreno i drugo oružje za koje je potrebna dozvola pohraniću kod vlasti Srbije i neću kupovati, posedovati, upotrebljavati niti rukovati bilo kakvim vatrenim ili drugim oružjem za koje je potrebna dozvola;
 - Q. Neću počinuti nijedno krivično delo koje je kažnjivo kaznom zatvora i suzdržaću se od javnog ili privatnog podsticanja ili promovisanja takvog krivičnog dela;
 - R. Nadzornu vlast ću obavestiti o eventualnim hapšenjima, pozivima ili ispitivanjima od strane službenika organa gonjenja; i
 - S. Ustrajaću u naporima da doprinesem svojoj rehabilitaciji i resocijalizaciji.
4. Shvatam i saglasan sam s tim da će se ovde navedeni uslovi odnositi na mene, sem ako ne budu poništeni ili izmenjeni, sve do isteka moje kazne.
 5. Shvatam i saglasan sam s tim da svaku izmenu gore navedenih uslova može da odobri isključivo Predsednik.
 6. Shvatam i saglasan sam s tim da, ukoliko prekršim ili u potpunosti ne ispunim bilo koji od uslova navedenih u ovom sporazumu, Predsednik može, isključivo na osnovu svog diskrecionog ovlašćenja, poništiti moje privremeno puštanje na slobodu.



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7. Shvatam i prihvatam da je Srbija dužna:
- (a) da odredi ovlašćena lica u čiju ću nadležnost biti predat;
 - (b) da podnese Sekretaru, što je pre izvodljivo, ime(na) ovlašćenih lica koja odredi;
 - (c) da odredi nadzornu vlast koja će vršiti nadzor uslovnog puštanja na slobodu;
 - (d) da obezbedi moju ličnu sigurnost i bezbednost za vreme uslovnog puštanja na slobodu;
 - (e) da obezbedi 24-časovni nadzor za mene u toku uslovnog puštanja na slobodu u Srbiji;
 - (f) da pokrije troškove koji mogu nastati u vezi sa mojim uslovnim puštanjem na slobodu u Srbiji;
 - (g) da u krivičnu evidenciju u Srbiji unese pravosnažnu presudu koju mi je izrekao Mehanizam;
 - (h) da poništi sve dozvole za vatreno ili drugo oružje koje eventualno imam i obezbedi da mi se do isteka kazne ne izdaju nove dozvole;
 - (i) da bez odlaganja obavesti Sekretara o eventualnim pretnjama za bezbednost bilo koje osobe koje nastupe kao posledica mog uslovnog puštanja na slobodu u Srbiji;
 - (j) da me bez odlaganja uhapsi ako prekršim bilo koji od uslova ovog sporazuma, i da bez odlaganja obavesti Mehanizam o takvim kršenjima sporazuma;
 - (k) da me bez odlaganja izruči u nadležnost Mehanizma ako Mehanizam to zatraži; i
 - (l) da svakog meseca podnese Sekretaru za spis predmeta pismeni izveštaj o mom pridržavanju uslova za puštanje na slobodu.
8. Shvatam da, čim potpišem i merodavnu verziju ovog dokumenta na engleskom jeziku i zvaničan prevod istog na BHS, originalni potpisani dokument (na oba jezika) se predaje Sekretarijatu Mehanizma, gde će naknadno biti javno zaveden u spis predmeta *Tužilac protiv Franka Simatovića*, predmet br. MICT-15-96-ES.1, ali da sve do mog premeštaja na mesto prebivališta ili u relevantnu zdravstvenu ustanovu, ovaj dokument mora ostati poverljiv iz bezbednosnih razloga.

Potpis:

Ime i prezime:

SIMATOVIĆ FRANKO

Datum:

30.8.23

Svedok (za Franka Simatovića):



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Potpis: Ksenija Hidentovic
Ime i prezime: KSENIJA HIDENTOVIC
Datum: 30.08.2023.

Svedok (za Mehanizam):

Potpis: Pear Rydberg van der Sluis
Ime i prezime: PEAR RYDBERG VAN DER SLUIS
Datum: 20/08/2023



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			No. of Pages/ Nombre de pages : 11
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