



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-95-5/18-T

Date: 10 May 2011

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 10 May 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED'S REQUEST TO HAVE ASSISTANCE
OF DEFENCE EXPERT IN COURTROOM FOR TESTIMONY
OF EXPERT WITNESSES TREANOR, HANSON, AND NIELSEN**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

THIS TRIAL CHAMBER 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 (“Tribunal”) is seised of the “Request to Have Assistance of Defence Expert in Courtroom for Testimony of Expert Witness Trainor [*sic*], Hanson, and Nielsen”, filed by the Accused on 26 April 2011 (“Request”), and hereby issues its decision thereon.

1. In his Request, the Accused seeks leave from the Chamber for the presence in the courtroom of his expert on “Republika Srpska Constitutional and Administrative issues”, Professor Radomir Lukić, during the testimony of experts Patrick Treanor and Dorothea Hanson and for his expert on “Ministry of Interior issues”, Mladen Bajagić, during the testimony of expert Christian Nielsen.¹

2. The Accused submits that he can “receive comments and suggestions from his experts”, which will allow him to adequately cross-examine the expert witnesses being led by the Office of the Prosecutor (“Prosecution”).² He notes that the Chamber has previously allowed the presence of a Defence ballistics expert and a Defence military expert during expert testimony from witnesses led by the Prosecution in order to assist him.³

3. On 2 May 2011, the Prosecution filed the “Prosecution’s Response to the Accused’s Request to have Assistance of Defence Expert in Courtroom for Testimony of Expert Witnesses” (“Response”), not opposing the Request.⁴

4. It has been the practice of the Chamber to authorise the presence of Defence experts to assist the Accused when it has deemed it necessary to help him understand testimony of a technical nature and to support his ongoing preparation for and conduct of his cross-examination. To date, the Chamber has authorised such assistance for testimony relating to ballistics, field investigations, and military structure and hierarchy.

5. The Chamber notes that witnesses Treanor and Hanson are historians by training, who work, or worked for the Prosecution. Their expert reports and anticipated testimony are related to the “Bosnian Serb Leadership” and the Accused’s position in relation thereto (Treanor), and the “Bosnian Serb Crisis Staffs, War Presidencies, and War Commissions” (Hanson). Their evidence and expertise is thus similar to that of witness Robert Donia, who has already testified

¹ Request, para. 1.

² Request, para. 2.

³ Request, para. 3.

⁴ Response, para. 1.

in this case and for whom the Accused did not request any in-court assistance from his own expert. The Chamber therefore does not consider it necessary for the Accused to be assisted *inside the courtroom* by his expert on “Republika Srpska Constitutional and Administrative issues” during the testimony of Treanor and Hanson.

6. Witness Nielsen’s expert report is entitled the “Bosnian Serb Ministry of Internal Affairs: Genesis, Performance, Command and Control 1990-1992”, and is being offered along with an Addendum. The Chamber is satisfied, in light of the anticipated nature of Nielsen’s evidence, that it would be of assistance to the Accused to have his own expert on “Ministry of Interior issues” present in the courtroom during his testimony.

7. Accordingly, the Chamber hereby **GRANTS** the Request **IN PART** and permits Mladen Bajagić to be present in the courtroom during the testimony of Christian Nielsen. The Request is denied in all other respects.

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



Judge O-Gon Kwon
Presiding

Dated this tenth day of May 2011
At The Hague
The Netherlands

[Seal of the Tribunal]