



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: 14 June 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

Order of: 14 June 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED'S REQUEST FOR ASSISTANCE
OF DEFENCE EXPERT IN THE COURTROOM DURING TESTIMONY
OF EXPERT WITNESS THEUNENS**

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 Theunens”, filed by the Accused on 2 June 2011 (“Request”), and hereby issues its decision thereon.

1. In his Request, the Accused seeks leave from the Chamber for his military defence expert, Radovan Radinović, to be present in the courtroom during the testimony of Reynaud Theunens, expert witness for the Office of the Prosecutor (“Prosecution”).¹ The Accused submits that the presence of Mr. Radinović in the courtroom is necessary, as he will be able to provide comments and suggestions, which will allow the Accused to adequately cross-examine the Prosecution’s military expert.² He notes that the Chamber has previously allowed the presence of Mr. Radinović as a military expert during the testimony of the Prosecution’s military expert Richard Philips.³

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

3. The Chamber recalls that it has been its practice to authorise the presence of Defence experts in the courtroom 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.⁵

4. The Chamber notes that Mr. Theunens’ expert report is entitled “Radovan Karadžić and the “SRBiH” TO–VRS (1992–1995)”. The Chamber is satisfied, in light of the anticipated nature of Mr. Theunens’ evidence, that it would be of assistance to the Accused to have his own military expert present in the courtroom during Mr. Theunens’ testimony. The Chamber is of the view that such presence will serve to ensure that the Accused’s cross-examination of Mr. Theunens is conducted in an efficient and effective way.

¹ Request, para. 1.

² Request, para. 3.

³ Request, para. 4.

⁴ Response, para. 1.

⁵ See Hearing, T. 3275 (2 June 2010); Order on Funding of Defence Experts Authorised to be Present in the Courtroom, 11 June 2010; Decision on Accused’s Request to Have Assistance of Defence Expert in Courtroom for Testimony of Expert Witnesses Treanor, Hanson, and Nielsen, 10 May 2011.

5. Accordingly, the Chamber hereby **GRANTS** the Request and permits Radovan Radinović to be present in the courtroom during the testimony of Reynaud Theunens.

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



Judge O-Gon Kwon
Presiding

Dated this fourteenth of June 2011
At The Hague
The Netherlands

[Seal of the Tribunal]