



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: 11 June 2010

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: 11 June 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**ORDER ON FUNDING OF DEFENCE EXPERTS AUTHORISED TO BE PRESENT
IN THE COURTROOM**

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”);

NOTING that on 28 May 2010, the Accused filed a written request for permission for his military defence expert, Radovan Radinović, to be present in the courtroom during the testimony of the Office of the Prosecutor (“Prosecution”) expert witness, Richard Philipps, and for his defence weapons expert, Zorica Subotić, to be present in the courtroom during the testimony of Prosecution expert witnesses Richard Higgs and Patrick van der Weijden (“Request”);¹

NOTING that on 31 May 2010, the Prosecution filed its response, stating that it did not oppose the Request;²

NOTING that on 2 June 2010, the Chamber granted the Request;³

NOTING that Mr. Philipps is scheduled to testify on Tuesday, 15 June 2010, and that the Accused’s cross-examination of the witness has been limited by the Chamber to five hours;⁴

CONSIDERING that, as the Registry is meeting the costs of the Accused’s defence, the Accused is unable to pay the costs related to Mr. Radinović’s and Ms. Subotić’s travel to The Hague and their attendance of the courtroom proceedings;

CONSIDERING that the Tribunal’s Office of Legal Aid and Detention Matters (“OLAD”) has determined that Mr. Radinović’s and Ms. Subotić’s presence in the courtroom does not fall strictly within the scope of their assignment as defence experts;⁵

CONSIDERING, however, that the presence of Mr. Radinović and Ms. Subotić in the courtroom during the testimony of Mr. Philipps, and Messrs. Higgs and van der Weijden, respectively, will assist both the Accused and the Chamber, most particularly in ensuring that the Accused’s cross-examination of these witnesses is efficient and effective;

¹ Request to Have Assistance of Defence Experts in the Courtroom, 28 May 2010.

² Prosecution’s Response to Accused’s Request to Have Assistance of Defence Experts in the Courtroom, 31 May 2010.

³ Hearing, T. 3275 (2 June 2010).

⁴ Hearing, T. 3433 (8 June 2010).

⁵ Letter from OLAD to the Accused’s Legal Advisor, Mr. Peter Robinson, 8 June 2010. *See also* Letter from OLAD to the Accused, 22 July 2009.

CONSIDERING, therefore, that it is in the interests of justice for the Registrar to provide the funding necessary to ensure that Mr. Radinović and Ms. Subotić may be present in the courtroom for the testimony of Mr. Philipps, and Messrs. Higgs and van der Weijden, respectively;

PURSUANT to Rule 54 of the Tribunal's Rules of Procedure and Evidence, **HEREBY ORDERS** that the Registrar shall provide the funding necessary to ensure that Mr. Radinović may be present in the courtroom for the testimony of Mr. Philipps, and Ms. Subotić may be present in the courtroom for the testimony of Messrs. Higgs and van der Weijden.

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



Judge O-Gon Kwon
Presiding

Dated this eleventh day of June 2010
At The Hague
The Netherlands

[Seal of the Tribunal]