

IT-09-92-T
D41251-D41249
05 July 2012

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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-09-92-T
Date: 5 July 2012
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr John Hocking

Decision of: 5 July 2012

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON DEFENCE REQUEST TO DISQUALIFY
RICHARD DANNATT AS AN EXPERT AND FOR BARRING
THE PROSECUTION FROM PRESENTATION OF HIS
REPORT**

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

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 (“Chamber”);

BEING SEISED of the “Defence Rule 94*bis* Notice, Objection and Motion to Bar Relative to Proposed Prosecution Witness Richard Dannatt” (“Motion”) and the “Prosecution Response to Defence Rule 94*bis* Notice, Objection and Motion to Bar Relative to Proposed Prosecution Witness Richard Dannatt”;¹

NOTING that in the Motion, the Defence requests that witness Dannatt be disqualified as an expert and the Prosecution barred from presenting his report (“Report”) as expert evidence at trial;²

NOTING that in the alternative, the Defence requests that the Report not be admitted into evidence;³

CONSIDERING that the Report contains opinions and assessments related to various topics and that, while the Chamber is not convinced at this stage that witness Dannatt is in fact an expert in all of these fields, it does consider that he may have some expertise with respect to the topic of military command structures;

FURTHER CONSIDERING that the Chamber requires further information to determine whether witness Dannatt qualifies as an expert in relation to the subject matter of the Report.

FOR THE FOREGOING REASONS

PURSUANT TO Rule 94*bis* of the Tribunal’s Rules of Procedure and Evidence,

HEREBY DENIES the request to bar the Prosecution from presenting the Report at trial;

DEFERS its decision on whether witness Dannatt qualifies as an expert in relation to the subject matter of the Report; and

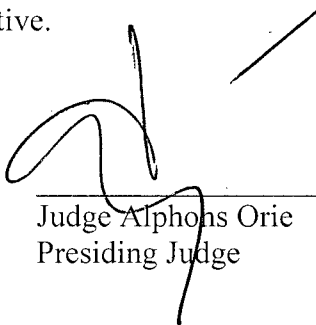
¹ Defence Rule 94*bis* Notice, Objection and Motion to Bar Relative to Proposed Prosecution Witness Richard Dannatt, 2 July 2012 (Public with Public Annex A); Prosecution Response to Defence Rule 94*bis* Notice, Objection and Motion to Bar Relative to Proposed Prosecution Witness Richard Dannatt, 4 July 2012.

² Motion, para. IV.

³ Ibid.

DEFERS its decision on the admission of the report.

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



Judge Alphons Orié
Presiding Judge

Dated this fifth day of July 2012
At The Hague
The Netherlands

[Seal of the Tribunal]