

**UNITED
NATIONS**



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-05-87/1-T
Date: 1 June 2010
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr John Hocking

Decision: 1 June 2010

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON THE ADMISSION OF THE EXPERT REPORT
OF MR RADOMIR MILAŠINOVIĆ**

The Office of the Prosecutor:

Mr Chester Stamp
Ms Daniela Kravetz

Counsel for the Accused:

Mr Dragoljub Đorđević
Mr Veljko Đurđić

THIS TRIAL CHAMBER (“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”),

BEING SEIZED of the oral motion of the Defence for Vlastimir Đorđević on 19 and 20 May 2010, seeking the admission into evidence of the expert report of Mr Radomir Milašinović entitled “Position and Role of the Chief of the Public Security Department in the Ministry of the Interior of the Republic of Serbia in Anti-Terrorist Activities in Kosovo and Metohija in 1998 and 1999” (“Report”);¹

NOTING the Chamber’s “Decision on Prosecution’s Notice Re Defence Expert Witnesses Radomir Milašinović, Aleksandar Pavić and Zoran Stanković” (“Decision”) of 24 March 2010, granting leave for Mr Radomir Milašinović to be called as an expert witness pursuant to Rule 94bis of “Rules of Procedure and Evidence” (“Rules”) and for his Report to be received as the witness’s examination-in-chief;²

CONSIDERING reservations expressed by the Chamber that the Report, at least in significant respects, may not be dealing with matters involving expertise, conclusions or views of the witness; that it offers opinions without apparent reason or authority; and that the witness may be assuming the role of the Chamber, without offering any expert knowledge or experience;³

CONSIDERING pages 40 and 41 of the Report, that fall under the heading, “Opinion and Findings”, solely provide opinions and conclusions on some of the most central and critical facts in this case, thus directly encroaching on the role of the Chamber.⁴

¹ *Prosecutor v Vlastimir Đorđević*, Case No. IT-05-87/1-T, Court Session of 19 May 2010, T 14258; *Prosecutor v Vlastimir Đorđević*, Case No. IT-05-87/1-T, Court Session of 20 May 2010, T 14359.

² *Prosecutor v Vlastimir Đorđević*, Case No. IT-05-87/1-T, “Decision on Prosecution’s Notice Re Defence Expert Witnesses Radomir Milašinović, Aleksandar Pavić and Zoran Stanković” (“Decision”), para 29.

³ *Prosecutor v Vlastimir Đorđević*, Case No. IT-05-87/1-T, Decision, para 14; *Prosecutor v Vlastimir Đorđević*, Case No. IT-05-87/1-T, Court Session of 19 May 2010, T 14258-14261.

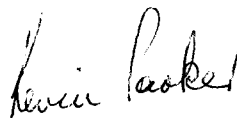
⁴ *Prosecutor v Vlastimir Đorđević*, Case No. IT-05-87/1-T, Court Session of 19 May 2010, T 14258-14259.

For the foregoing reasons, the Chamber;

1. **DENIES** the admission of pages 40 and 41 of the Report;
2. **ACCEPTS** that, subject to the reservations expressed above, the remainder of the Report may be admitted into evidence, pursuant to Rule 94*bis* of the Rules;
3. **REQUESTS** that, following the removal of page 40 and 41 from the Report by the Defence, that the Registry assign to the Report an exhibit number.

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

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



Judge Kevin Parker
Presiding

[Seal of the Tribunal]