



International Tribunal for the Prosecution of  
Persons Responsible for Serious Violations of  
International Humanitarian Law Committed in  
the Territory of Former Yugoslavia since 1991

Case No. IT-98-29/1-T

Date: 04 April 2007

Original: English

**IN TRIAL CHAMBER III**

**Before:** Judge Patrick Robinson, Presiding  
Judge Antoine Kesia-Mbe Mindua  
Judge Frederik Harhoff

**Registrar:** Mr. Hans Holthuis

**Decision of:** 4 April 2007

**PROSECUTOR**

v.

**DRAGOMIR MILOŠEVIĆ**

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**DECISION ON PROSECUTION'S NOTICE OF RULE 94  
BIS DISCLOSURE OF EXPERT REPORT OF EWA  
TABEAU**

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**The Office of the Prosecutor:**

Mr. Alex Whiting  
Mr. Stefan Waespi  
Ms. Carolyn Edgerton  
Mr. John Docherty

**Counsel for the Accused:**

Mr. Branislav Tapušković  
Ms. Branislava Isailović

**TRIAL CHAMBER III** (“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”);

**BEING SEISED** of the “Prosecution’s Notice of Rule 94*bis* Disclosure of Expert Report of Ewa Tabeau”, filed on 26 March 2007 (“Prosecution’s Notice”);

**NOTING** the Report by Ewa Tabeau which is attached to the Prosecution’s Notice (“Report”);

**NOTING** the “Reponse de la Defence Suite la Communication du Rapport d’Expertise de Madame Ewa Tabeau”, filed on 30 March 2007, in which the Defence states that it wants to cross-examine Ms. Ewa Tabeau;

**CONSIDERING** that the information contained in the Report by Ewa Tabeau concerning her professional career demonstrates the qualifications and knowledge of Ewa Tabeau pertaining to demographics and statistics and that Ewa Tabeau can therefore be considered an expert within the meaning of Rule 94 *bis* of the Rules of Procedure and Evidence (“Rules”);

**CONSIDERING** that the content of the Report falls within the expertise of Ewa Tabeau and that reliability of the Report is strengthened by the information about the sources used by the expert and detailed references to these sources;

**FURTHER CONSIDERING** that the Report is relevant to the instant case and has probative value;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rules 89(C) and 94 *bis* of the Rules,

**ORDERS** as follows:

1. The expert report of Ewa Tabeau is admitted into evidence pursuant to Rule 94 *bis*;
2. Ewa Tabeau is permitted to appear as an expert witness for the Prosecution;
3. If the Prosecution wishes to lead evidence from Ewa Tabeau during examination-in-chief, such examination shall not exceed two hours;
4. Should the Prosecution not wish to lead evidence-in-chief from Ewa Tabeau, the

Prosecution shall ensure that he is available to the Defence for cross-examination;

5. Any cross-examination of Ewa Tabeau shall not exceed two hours.

The Trial Chamber requests the Registry to assign an exhibit number to the Report by Ewa Tabeau.

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



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Judge Patrick Robinson  
Presiding

Dated this fourth day of April 2007

At The Hague

The Netherlands

**[Seal of the Tribunal]**