

**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: 24 March 2010
Original: English

IN TRIAL CHAMBER II

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

Registrar: Mr John Hocking

Decision: 24 March 2010

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

DECISION ON PROSECUTION'S NOTICE RE DEFENCE EXPERT
WITNESSES RADOMIR MILAŠINOVIĆ, ALEKSANDAR PAVIĆ
AND ZORAN STANKOVIĆ

The Office of the Prosecutor:

Mr Chester Stamp
Ms Daniela Kravetz

Counsel for the Accused:

Mr Dragoljub Đorđević
Mr Veljko Đurđić

1. This decision of Trial Chamber II (“Chamber”) of the International Criminal 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 in respect of the “Prosecution’s Notice Re Defence Expert Witnesses Radomir Milašinić, Aleksandar Pavić and Zoran Stanković” filed by the Office of the Prosecutor (“Prosecution”) on 22 February 2010 (“Notice”).

I. BACKGROUND

2. On 16 November 2009, Counsel for Vlastimir Đorđević (“Defence”) filed “Vlastimir Đorđević’s submissions pursuant to Rule 65ter(G)” indicating that it intends to call three expert witnesses.¹ On 30 November 2009, during the Pre-Defence Conference, the Chamber ordered the Defence to disclose the reports of the three expert witnesses by 18 January 2010. The Chamber also ordered the Prosecution to file its notice in respect of these reports by 22 February 2010.² On 18 January 2010, the Defence disclosed in BCS the three expert reports of Radomir Milašinić, Zoran Stanković and Aleksandar Pavić and the English translation of the expert reports of Radomir Milašinić and Zoran Stanković.³ The English translation of Aleksandar Pavić’s expert report was provided to the Prosecution and the Chamber on 12 February 2010.⁴ The Chamber extended the deadline for the Prosecution to file its notice in regards to Aleksandar Pavić’s report until 5 March 2010.⁵

3. On 22 January 2010, the Prosecution filed the present Notice. In this Notice, the Prosecution challenges the qualifications of Radomir Milašinić and Aleksandar Pavić as experts on the matters contained in their reports respectively and further requests that, if the Chamber decides to allow the witnesses to testify as experts, these witnesses should be called to appear for cross-examination pursuant to Rule 94bis(B)(ii).⁶ The Prosecution also submits that it does not

¹ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, “Vlastimir Đorđević’s Submission Pursuant to Rule 65ter(G)”, 16 November 2009, (“Rule 65ter Submission – 16 November 2009”), Confidential Annex A, p 52.

² *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, Court session of 30 November 2009, T 9938.

³ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, “Vlastimir Đorđević’s Notice of Filing of Expert Report Pursuant to ICTY Rule 94bis – Mr Radomir Milašinić”, 18 January 2010 (“Milašinić filing”); “Vlastimir Đorđević’s Notice of Filing of Expert Report Pursuant to ICTY Rule 94bis – Dr Zoran Stanković”, 18 January 2010 (“Stanković filing”); “Vlastimir Đorđević’s Notice of Filing of Expert Report Pursuant to ICTY Rule 94bis – Mr Aleksandar Pavić”, 18 January 2010 (“Pavić filing”).

⁴ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, “Vlastimir Đorđević’s Notice of Filing of Translation of Expert Report – Mr Aleksandar Pavić”, 12 February 2010 (“Pavić report”).

⁵ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, Court session of 30 November 2009, T 10168.

⁶ Notice, para 3.

accept the expert report of Zoran Stanković and wishes to cross-examine the witness.⁷ The Prosecution further challenges the relevance of parts of Stanković's report.⁸

4. The Defence did not file a response to the Prosecution Notice.

II. APPLICABLE LAW

5. Rule 94*bis* of the Rules of Procedure and Evidence ("Rules") reads as follows:

- (A) The full statement and/or report of any expert witness to be called by a party shall be disclosed within the time-limit prescribed by the Trial Chamber or by the pre-trial Judge.
- (B) Within thirty days of disclosure of the statement and/or report of the expert witness, or such other time prescribed by the Trial Chamber or pre-trial Judge, the opposing party shall file a notice indicating whether:
 - i. it accepts the expert witness statement and/or report; or
 - ii. it wishes to cross-examine the expert witness; and
 - iii. it challenges the qualifications of the witness as an expert or the relevance of all or parts of the statement and/or report and, if so, which parts.
- (C) If the opposing party accepts the statement and/or report of the expert witness, the statement and/or report may be admitted into evidence by the Trial Chamber without calling the witness to testify in person.

6. It is established by the jurisprudence of the Tribunal that an expert witness is a person who "by virtue of some specialised knowledge, skill or training can assist the trier of fact to understand or determine an issue in dispute."⁹ In determining whether a particular witness meets these criteria, the Chamber may take into account the witness's former and present positions and professional experience through reference to the witness's *curriculum vitae* as well as the witness's scholarly articles, other publications, or any other pertinent information about the witness.¹⁰ The content of the expert witness's statement or report must fall within his or her accepted area of expertise.¹¹

7. Like any evidence, expert evidence is subject to the provisions contained in Rules 89(C) and (D) of the Rules. The expert statement or report must, therefore, be relevant to the issues at trial

⁷ Notice, para 3.

⁸ Notice, para 3.

⁹ *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, "Decision Concerning the Expert Witnesses Ewa Tabeau and Richard Philipps", 3 July 2002 ("*Galić* Decision"), p 2. See also, *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, "Decision on Defence Notice under Rule 94*bis*" 5 March 2009 ("*Đorđević* Decision"), para 6.

¹⁰ *Đorđević* Decision, para 6, referring to, *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, "Decision on Expert Status of Reynaud Theunens", 12 February 2008 ("*Šešelj* Decision"), para 28.

¹¹ *Prosecutor v. Milan Martić*, Case No. IT-95-11-T, "Decision on Defence's Submission of the Expert Report of Professor Silja Avramov Pursuant to Rule 94 *bis*", 9 November 2006 ("*Martić* Decision"), para 12. See also *Đorđević* Decision, para 6.

and meet the minimum standards of reliability.¹² A piece of evidence may be so lacking in terms of the indicia of reliability that it is not probative and, therefore, inadmissible. In establishing reliability, there must be sufficient information as to the sources used in support of statements and these must be clearly indicated in order to allow the other party or the Trial Chamber to test the basis on which the expert witness reached his or her conclusions.¹³ Even where a report is admitted in evidence, in the absence of clear references, the Chamber will treat such statements as the personal opinion of the witness and weigh the evidence accordingly.¹⁴ Nevertheless, *prima facie* proof of reliability on the basis of sufficient indicia should be demonstrated at the admissibility stage.¹⁵

8. The admissibility of an expert report should be clearly distinguished from the weight that would be given to it if admitted by the Chamber at the end of all the evidence.

III. SUBMISSIONS AND DISCUSSION

1. Radomir Milašinović

9. The Defence intends to call Radomir Milašinović as a security and police expert witness.¹⁶ His report is 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”.¹⁷ Attached to Milašinović’s report is a *curriculum vitae* detailing his educational and professional background.¹⁸

10. The Prosecution challenges the qualifications of Milašinović as an expert on the matters contained in his reports, namely, the Ministry of Interior of the Republic of Serbia, and in particular, the position and role of the Accused, in 1998 and 1999.¹⁹ It is submitted by the Prosecution that the proposed witness does not possess any, or any sufficient, expertise on MUP-related matters nor does he have any special training, knowledge or skill related to the Ministry of Interior of the Republic of Serbia.²⁰ The Prosecution submits that his list of publications does not

¹² *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-PT, “Decision on Prosecution’s Submission of the Expert Report of Nena Tromp and Christian Nielsen Pursuant to Rule 94 bis”, 18 March 2008 (“*Stanišić Decision*”), para 9; *Prosecutor v Pavle Strugar*, Case No. IT-01-42-PT, “Decision on the Defence Motions to Oppose Admission of Prosecution Expert Reports pursuant to Rule 94bis”, 1 April 2004, p 5; *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-T, “Decision on Prosecution’s Submission of Statement of Expert Witness Ewan Brown”, 3 June 2003, p 4.

¹³ *Stanišić Decision*, para 9, referring to, *Galić Decision*, para 9.

¹⁴ *Stanišić Decision*, para 9, referring to, *Martić Decision*, para 9.

¹⁵ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-AR73.2, “Decision on Joint Defence Interlocutory Appeal Concerning the Status of Richard Butler as an Expert Witness”, 30 January 2008 (“*Popović Decision*”), para 22.

¹⁶ Rule 65ter Submission – 16 November 2009, p 52.

¹⁷ *Milašinović* filing.

¹⁸ *Milašinović* filing.

¹⁹ Notice, para 7.

²⁰ Notice, paras 7-9.

demonstrate any specific expertise on the areas discussed in his report.²¹ It is further submitted that some of the statements made in Parts II and III of the report fall outside the ambit of an expert report and are unsupported by examples and/or supporting documentation.²² Moreover, it is contended that in his report Milašinović summarises Defence and Prosecution exhibits rather than offer any expertise and specialised knowledge, and that a summary of documents does not constitute an expert report.²³ Finally, the Prosecution argues that not all documents cited in the report are exhibits in this case.²⁴ Hence, it requests that if the witness is to be called to testify as an expert, the Defence should provide the Prosecution with all documents which have not yet been exhibited, and with an English translation of those which are not yet translated, and that a reasonable time be granted for the Prosecution to review this additional documentation and translations.²⁵

11. Radomir Milašinović's report purports to provide an analysis of the jurisdiction, organisation, structure and functioning of the Ministry of the Interior of the Republic of Serbia and an overview of the role of the Chief of the Public Security Department relevant to the Indictment period. By virtue of its subject *prima facie* the report appears to be relevant to the Indictment.

12. The Prosecution challenges the expertise of Milašinović with respect to the Ministry of Interior of the Republic of Serbia, and in particular, on the ministerial position and role of the Accused in 1998 and 1999. The Defence has not provided any submissions or information to support the contention that his experience equips Milašinović with the required expertise. The Chamber notes that, as indicated in his *curriculum vitae*, Radomir Milašinović has worked at the Ministry of Interior Affairs of the Socialist Republic of Serbia and the Federal Ministry of Interior Affairs, for over 16 years. While his experience at these Ministries pre-dates the period relevant to the Indictment this experience may be accepted as providing an arguable basis to ground some expertise relevant to the Serbian Ministry. While the material provided is both general and vague a more apparent basis for expertise about both the Serbian Ministry and the Accused's Ministerial role in 1998-1999 is provided by the more recent involvement of Radomir Milašinović in his academic activities, in particular his role as a lecturer at the Academy for Interior Affairs in Belgrade from 2001 to 2004 and at present, since 2001, as a Professor at the Faculty of Security Studies of the University of Belgrade. The Chamber therefore considers that this background provides Radomir Milašinović with some general expertise on the subject matter contained in the report. The Chamber is satisfied therefore that this witness can be accepted as an expert.

²¹ Notice, para 9.

²² Notice, para 11.

²³ Notice, para 10.

²⁴ Notice, para 12.

²⁵ Notice, para 12.

13. The Chamber observes, nevertheless, that there is some substance in the submission of the Prosecution that, in part, the report amounts to little or no more than a summary of documents presently in evidence (or which, if material, ought to be in evidence). In these respects the report is not dealing with matters involving expertise; conclusions or views of the witness so based therefore are of no special standing or persuasiveness. In another respect, some opinions are offered without apparent reason or authority; they too lack persuasiveness.

14. Further, in so far as it may prove necessary for the legal effect of some documents to be determined, that is a role which, ultimately, the Chamber must itself perform. It does not presently appear from the report that the witness is able to offer any expert knowledge or experience that can properly assist the Chamber in this. In these respects the witness appears to be seeking to assume the role of the Chamber.

15. In these brief comments the Chamber is not attempting an exhaustive review of the contents of the report, but is drawing attention at the outset to some of the factors which appear to limit the relevance, weight and indeed the admissibility of aspects of the report. Nevertheless, as other aspects of the report appear potentially to be relevant, and because of the practical difficulty presented by any attempt to separate out the contents of the report according to the issues which have been touched on, it is the Chamber's view that it will prove more practical in this case to receive the report as it is and assess its contents in more detail in due course. It is also the case that there are laws, regulations and decisions of authorities in Serbia relied on by the witness which have not yet been admitted in evidence and which appear to be relevant to issues in the trial.

16. Finally, the Prosecution submits that not all documents cited in the report are exhibits in this case and it requests that the Defence provide the Prosecution with all documents which have not yet been exhibited and with an English translation of those which are not yet translated and that a reasonable time be granted to review this documentation.²⁶ The Chamber notes that sources used by the expert should be clearly identified and accessible to the other party to allow them due opportunity to challenge the basis on which the expert witness has formed his opinions. Accordingly, to the extent that there is material not yet available to the Prosecution, that should be provided, together with an English translation, to the Prosecution and the Chamber at least one week before the witness testifies. Challenges and issues as to the reliability of the sources used by the witness, may be raised during cross-examination and, of course, will be taken into account by the Chamber in assessing the probative value of the report in light of the totality of the evidence.

²⁶ Notice, para 12.

17. For the reasons indicated, Radomir Milašinović's report may be tendered as his evidence-in-chief pursuant to Rule 94bis of the Rules. The witness should attend for cross-examination. His report will be admitted in the course of his evidence.

2. Aleksandar Pavić

18. The Defence proposes to call Aleksandar Pavić as a political and historical expert witness on issues contained in the Indictment.²⁷ His report is entitled "Kosovo and Metohija: The Political and Historical Context".²⁸ Attached to Pavić's report is a *curriculum vitae* detailing his educational and professional background.²⁹

19. The Prosecution challenges the qualifications of Pavić as an expert on the matters contained in his report. It is argued that the *curriculum vitae* does not disclose sufficient expertise on political affairs of the former Yugoslavia at the relevant time, nor any expertise with respect to the history of the former Yugoslavia, and, of Kosovo and Metohija in particular.³⁰ Furthermore, it draws attention to the failure to indicate whether Pavić has authored any articles or publications of significance on the subject matter of the report.³¹ The Prosecution further submits that the report should not be accepted as reliable because some statements fall outside the ambit of an expert report, and are unsupported,³² or purport to rely on material which lacks sufficient indicia of reliability or which is not available for review.³³ It is also contended that Pavić's historical analysis contains sweeping statements and which are not adequately supported.³⁴ It draws attention to the references to news articles;³⁵ an internet blog;³⁶ and blank footnotes or footnotes that lack any content where it is unclear if the footnotes should have been deleted.³⁷

20. An analysis of the *curriculum vitae* of Aleksandar Pavić shows that he obtained a Bachelor of Arts degree in Political Science from the University of California. This appears to be the only degree held by the proposed witness. There is no indication in his *curriculum vitae* of any particular skill, training or experience in the field of history. The Defence has not provided any further information to disclose that Pavić is an expert in historical matters in Kosovo or the former Yugoslavia, whether in the years leading to or during the Indictment period. In relation to the field of political science, it appears that Pavić served briefly, from 1986 to 1988, in a firm in the United

²⁷ Defence Rule 65ter Submission – 16 November 2009, p 52.

²⁸ Pavić report.

²⁹ Pavić Filing.

³⁰ Notice, paras 14-15.

³¹ Notice, para 14, referring to, Pavić Filing.

³² Notice, para 16.

³³ Notice, para 17, referring to, Martić Decision, para 9.

³⁴ See footnote 26 of Notice.

³⁵ See footnotes 18, 23, 37, 69, 73, 79, 81, 84, 101, 108 of Pavić report.

³⁶ Page 20, footnote 69 of Pavić report.

³⁷ Notice, para 17, footnote 29.

States of America which is described as a political consultancy. No relevance of this to Yugoslavian or Serbian politics is suggested. He was engaged in Belgrade for some six months on election strategy for a political party. Several years were then spent in humanitarian aid work, followed by an appointment as Chief Political Adviser for the President of the Republika Srpska, although only from August 1996 until July 1997. Since January 1998 he has been occupied as a translator or interpreter. His *curriculum vitae* indicates that now he has also become a political analyst and commentator at the Associate Institute of Political Studies in Belgrade. However, no information has been provided to the Chamber as to how long Pavić has held this position. There are no details offered concerning this position, or of Pavić's functions in it, and how it equips Pavić with the "knowledge, skill or training" to testify as an expert on historical and political matters relating to Kosovo or the former Yugoslavia during the time relevant to the Indictment. The *curriculum vitae* also notes that Pavić has authored unspecified political analyses, articles and a book. No details are provided of the title, date of publication or even the subject of these publications nor are there any submissions made to support the view that these are relevant to the claim that Pavić has "some specialised knowledge, skill or training" as an historical or political expert on issues relevant to the Indictment.

21. After reviewing the *curriculum vitae* of the proposed expert witness, Aleksandar Pavić, the Chamber is not persuaded of any sufficient connection between the subject of the proposed report and the witness's actual experience or his professional and educational background. Generally, he is not shown to have knowledge or experience relating to the issues in this case relating to Kosovo and Metohija or the former Yugoslavia at a level or depth which would qualify him as an expert. Further, the Chamber notes that large parts of the report pertain to events long preceding those charged in the Indictment and are therefore of little relevance to issues in the present case. Thus, the Chamber finds that it has not been established that Aleksandar Pavić has the requisite expertise to be considered an expert on historical and political matters related to Kosovo or the former Yugoslavia or that he possesses the qualifications and experience to equip him to provide an expert report on these issues. For that reason, he should not be called to testify pursuant to Rule 94bis.

3. Dr Zoran Stanković

22. The Defence intends to call Dr Zoran Stanković as a forensic expert witness.³⁸ His report is entitled "Objections to the Forensic Examination of Bodies, Findings and Opinion of the Medical Examiners who Performed the Autopsies of the Bodies Found in Kosovo and Metohija and Elsewhere, and to the Work of Other Experts who Took Part in the Forensic Examination of the Sites Where the Bodies were Found, Raised after an Examination of Medical and Other Documents

³⁸ Defence Rule 65ter Submission – 16 November 2009, p 52.

that are in The International Criminal Tribunal for the former Yugoslavia, in Case IT-05-87/1-T, the Prosecutor v. Vlastimir Đorđević”.³⁹ Attached to this report is a *curriculum vitae* outlining the proposed expert witness’s educational and professional background.⁴⁰

23. According to the material provided by the Defence, Dr Zoran Stanković is a forensic scientist who has studied the forensic examination of bodies in war and has experience in the former Yugoslavia and as an expert witness before this Tribunal.⁴¹ The Chamber considers, in light of Dr Zoran Stanković’s professional and education background, that he is properly characterised as an expert, under the definition quoted earlier in this Decision, and that the proposed report falls within his accepted area of expertise.

24. The Prosecution does not accept Dr Zoran Stanković’s report and seeks to cross-examine the witness. In his report Dr Stanković sets out his objections to the findings, opinions and work of other experts who took part in the autopsies and forensic examination of bodies relevant to this trial in Kosovo and Methojiva. Dr Stanković addresses specific Prosecution documents and gives his opinion on the contents of them. The report, therefore, is relevant to allegations in the Indictment. The Prosecution Notice objects to the admission of pages 5 and 12, and the first paragraph on page 16 of the report, and submits that these portions be severed for lack of relevance. The Prosecution submits that these sections deal with documents that are not before the Court in this case.⁴² These objections are addressed below.

25. Page 5 of the report analyses the Prosecution Rule 65ter document 00383. This is a French Forensic Mission Report from Kosovo detailing the findings and investigations relating to eight bodies found at Ćirez, Kosovo.⁴³ In its Notice, the Prosecution submits correctly that this part of the French Report does not form part of the trial record in this case and that the expert report of Dr Baccard admitted in evidence as exhibit P1139 does not deal with this crime site.⁴⁴ The Chamber notes, however, that exhibit P1162 was tendered through Dr Baccard.⁴⁵ This exhibit is a summary of all reports compiled by the French Forensic Mission and it includes a summary of information contained in the Prosecution Rule 65ter document 00383.⁴⁶ The Chamber accepts therefore, that page 5 of Dr Zoran Stanković’s report, in principle, may have some relevance, although the witness’s comments are directly related to a document which has not been tendered and is merely summarized in exhibit P1162. The summary of this material which is thus part of the trial record in

³⁹ Stanković filing.

⁴⁰ Stanković filing.

⁴¹ Stanković filing.

⁴² Notice, para 20.

⁴³ ERN K017-6651-K017-6756.

⁴⁴ Notice, para 20.

⁴⁵ Prosecutor v. Vlastimir Đorđević, IT-05-87/1-T, Court session of 20 July 2009, T 7724.

⁴⁶ P01162, p 6.

this case may provide a basis for some limited examination and cross-examination. However, the Chamber notes that in paragraphs 6 and 8 of page 5 Dr Stanković also makes reference to other material that has not been tendered in evidence in this case. Specifically, paragraph 8 makes reference to comments by a person who has not been called as a witness in this case. In the circumstances, there is no basis for the admission of paragraphs 6 and 8 on page 5. These paragraphs should be redacted from the expert report prior to the report being tendered in evidence.

26. On page 12 of his report Dr Zoran Stanković comments upon K049-6894-K049-7190-BCST. This is an autopsy report prepared by Dr Gordana Tomašević. The Prosecution objects to the admission of Dr Stanković's comments on this report because Dr Tomašević was not called as a witness in this case and her autopsy reports are not part of the trial record.⁴⁷ While Dr Tomašević was scheduled to testify pursuant to Rule 92*bis* with cross-examination,⁴⁸ the Prosecution did not call her as a witness and no material related to Dr Tomašević was tendered in evidence. The material subject to Dr Stanković's comments on page 12 of his report was not admitted in evidence through any other witness. In the circumstances, there is no basis for these comments on page 12 of Dr Stanković's report to be admitted in evidence and it should be redacted from the expert report prior to the report being tendered in evidence.

27. The Prosecution objects to the relevance of the first paragraph on page 16 of Dr Stanković's report that refers to a preliminary report of 15 February 2002 prepared by Dr Antonio Alonso.⁴⁹ This report was not tendered in evidence during the testimony of witness Antonio Alonso or through any other witness and does not form part of the trial record.⁵⁰ In the circumstances there is no sufficient basis to admit this part of Dr Stanković's report. Dr Zoran Stanković's comments on this document in the first paragraph on page 16 should not be admitted in evidence and this paragraph should be redacted before the report is tendered.

28. The Chamber will accept Dr Zoran Stanković as an expert witness and will, in part, admit his report in evidence. The witness should attend for cross-examination. His report will be admitted in the course of his evidence.

IV. DISPOSITION

29. For the foregoing reasons and pursuant to Rules 89 and 94*bis* of the Rules the Chamber:

⁴⁷ Notice, para 20.

⁴⁸ *Prosecutor v. Vlastimir Đorđević*, IT-05-87/1-T, "Decision on Prosecution's Motion for Admission of Transcripts of Evidence of Forensic Witnesses In Lieu of Viva Voce Testimony pursuant to Rule 92*bis*", 11 February 2009.

⁴⁹ ERN K021-7231-K021-7237-BCST.

⁵⁰ *Prosecutor v. Vlastimir Đorđević*, IT-05-87/1-T, Court session of 19 May 2009, T 4675-4711.

- (1) **ACCEPTS** that Radomir Milašinović may provide evidence as an expert and that his report be received as the witness's examination-in-chief and **ORDERS** that the witness should attend for cross-examination;
- (2) **ACCEPTS** that Dr Zoran Stanković may provide evidence as an expert witness and, subject to what follows, that his report be received as the witness's examination-in-chief and **ORDERS** that the witness should attend for cross-examination;
- (3) **DENIES ADMISSION** of paragraphs 6 and 8 on page 5, the entirety of page 12 and paragraph 1 of page 16 of Zoran Stanković's report;
- (4) **DOES NOT ACCEPT** Aleksandar Pavić as an expert witness and **DENIES ADMISSION** of Aleksandar Pavić's report.

Dated this 24 March 2010
At The Hague
The Netherlands



Judge Kevin Parker
Presiding

[Seal of the Tribunal]