



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-04-74-T  
Date: 21 November 2008  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti, presiding  
Judge Árpád Prandler  
Judge Stefan Trechsel  
Reserve Judge Antoine Kesia-Mbe Mindua

**Registrar:** Mr Hans Holthuis

**Order of:** 21 November 2008

**THE PROSECUTOR**

v.

**Jadranko PRLIĆ  
Bruno STOJIĆ  
Slobodan PRALJAK  
Milivoj PETKOVIĆ  
Valentin ĆORIĆ  
Berislav PUŠIĆ**

***PUBLIC***

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**ORDER ON MODALITIES OF THE TESTIMONY OF EXPERT WITNESS  
SVETLANA RADOVANOVIĆ**

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**The Office of the Prosecutor:**

Mr Kenneth Scott  
Mr Douglas Stringer

**Counsel for the Accused:**

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić  
Ms Senka Nožica and Mr Karim A. A. Khan for Bruno Stojić  
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak  
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković  
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić  
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

**TRIAL CHAMBER III** (“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”),

**SEIZED** of the partly confidential “Prosecution’s Motion Seeking One Additional Hour for the Cross-Examination of Defence Expert Witness Svetlana Radovanović”, filed by the Office of the Prosecutor (“Prosecution”) on 18 November 2008 (“Prosecution Motion”), in which the Prosecution requests the Chamber to grant it three hours to cross-examine Expert Witness Svetlana Radovanović during her appearance,

**SEIZED** of “Jadranko Prlić’s Motion to Add Exhibits to the Rule 65 *ter* Exhibit List” filed confidentially by Counsel for the Prlić Defence (“Prlić Defence”) on 10 November 2008 (“Prlić Defence Motion”) in which the Prlić Defence requests leave of the Chamber to add five documents<sup>1</sup> (“Proposed Exhibits”) to its list of exhibits filed pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“65 *ter* List”) that were used by Witness Svetlana Radovanović in the preparation of her demographic expert report,

**NOTING** the demographic expert report (“Jadranko Prlić’s submission of the expert report of Svetlana Radovanović”) filed by the Prlić Defence on 20 October 2008 in accordance with Rule 94 *bis* (A) of the Rules of Procedure and Evidence (“Rules”),

**NOTING** the Oral Decision rendered by the Chamber on 4 November 2008 in which it scheduled the beginning of the possible testimony of Svetlana Radovanović for 24 November 2008,<sup>2</sup>

**NOTING** the schedule of witnesses for the Prlić Defence dated 10 November 2008 which indicates that the Prlić Defence plans to examine Svetlana Radovanović for two hours,<sup>3</sup>

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<sup>1</sup> 1D 03999, 1D 03100, 1D 03101, 1D 03102 and 1D 03103.

<sup>2</sup> Oral Decision regarding the appearance of Prlić Defence expert witness Svetlana Radovanović, 4 November 2008, Transcript in French, p. 34170.

<sup>3</sup> Schedule of witnesses for the Prlić Defence sent by email to the Chamber on 11 October 2008.

**NOTING** the notices by Counsel for the Petković Defence (“Petković Defence”), Praljak Defence (“Praljak Defence”) and Prosecution, filed with the Registry in accordance with Rule 94 *bis* (B) of the Rules on 30 October<sup>4</sup> and 6<sup>5</sup> and 13 November 2008,<sup>6</sup> respectively, informing the Chamber of their intention to cross-examine Witness Svetlana Radovanović,

**CONSIDERING** that Counsel for the Accused Stojić, Ćorić and Pušić did not file any notice informing the Chamber of their intention to cross-examine Witness Svetlana Radovanović,

**CONSIDERING** that the Chamber hereby decides to render a decision jointly on the Prosecution Motion and Prlić Defence Motion since both of these motions concern Witness Svetlana Radovanović,

**CONSIDERING** that in anticipation of Witness Svetlana Radovanović’s appearance, the Chamber must first make a determination as to the expert status of the said witness, whose appearance is scheduled for 24 to 27 November 2008,

**CONSIDERING** that the Chamber may rule on the Prosecution Motion and on the Prlić Defence Motion only after this determination has been made,

**CONSIDERING** that as regards the expert status of Witness Svetlana Radovanović, the Chamber notes that the Prosecution does not take a position on this issue in its Notice,

**CONSIDERING** that after reviewing the expert report and the *curriculum vitae* of Svetlana Radovanović, attached in the annex to the report, the Chamber considers that Svetlana Radovanović is *prima facie* qualified to testify as an expert on demographic issues in Bosnia and Herzegovina and to give an opinion on the expert conclusions provided by Expert Witness Ewa Tabeau, who appeared before the Chamber on 23 and 30 August 2007 as a witness for the Prosecution,

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<sup>4</sup> Notice by Milivoj Petković in Relation to the Prlić Defence Expert Witness Svetlana Radovanović, 30 October 2008, (“Petković Notice”).

<sup>5</sup> Slobodan Praljak’s Notice of Intent to Cross-examine Jadranko Prlić’s Expert Witness Milan Civkl, Jadranko Prlić’s Expert Witness Svetlana Radovanović, and Bruno Stojić’s Expert Witness Dr. Davor Marjan, 6 November 2008, (“Praljak Notice”).

<sup>6</sup> Prosecution Notice pursuant to Rule 94 *bis* (B) regarding Accused Prlić’s Expert Witness Svetlana Radovanović, (“Prosecution Notice”) 13 November 2008.

**CONSIDERING** that as a result Witness Svetlana Radovanović is authorized to appear as an expert and that the Prlić Defence shall have two hours to conduct its direct examination and possible re-examination,

**CONSIDERING** that in the Prosecution Motion it is indicated that the Prosecution requests leave of the Chamber to cross-examine Witness Svetlana Radovanović for three hours,<sup>7</sup>

**CONSIDERING** that on 19 November 2008, the Chamber's legal officer sent an email on behalf of the Chamber to the Defence teams asking them whether they intended to file a response to the Prosecution Motion and, where appropriate, to file it before 20 November 2008,

**CONSIDERING** that none of the Defence teams filed a response,

**CONSIDERING** that in support of the Prosecution Motion, the Prosecution alleges that because Svetlana Radovanović's expert report is 39 pages long, it will need three hours to carry out its cross-examination,

**CONSIDERING** that the Chamber holds that the witness is not a factual but rather expert witness; that the content of the demographic expert report is relevant to the case, in particular as regards the testimony of Ewa Tabeau and that, consequently, the Prosecution needs sufficient time to carry out its cross-examination,

**CONSIDERING** that the Chamber therefore grants the Prosecution three hours to conduct its cross-examination,

**CONSIDERING** that with respect to the cross-examination to be carried out by the Praljak and Petković Defences, the Chamber assumes that, in the absence of any specific and reasoned request, it is appropriate to follow the Chamber's practice which is to grant the Defence teams, for their cross-examination, half of the time allocated for the direct examination,

**CONSIDERING** that the Chamber therefore decides that the Praljak and Petković Defence teams will have one hour to share among themselves,

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<sup>7</sup> Prosecution Motion, para. 1.

**CONSIDERING** furthermore that in the Prlić Defence Motion, the Prlić Defence requests leave of the Chamber to add the Proposed Exhibits to its 65 *ter* List,

**CONSIDERING** that in an email of 20 November 2008 the Prosecution informed the Chamber that it did not intend to file a response to the Prlić Defence Motion,

**CONSIDERING** that Counsel for the other Defence teams did not file a response to the Prlić Defence Motion,

**CONSIDERING** that in its Motion the Prlić Defence submits that the Proposed Exhibits are an integral part of the expert report prepared by Svetlana Radovanović in October 2008 and that they were disclosed to the Parties on 29 October and 6 November 2008,

**CONSIDERING** that the Chamber finds that the Proposed Exhibits are *prima facie* relevant and have some probative value,

**CONSIDERING** that the Chamber further holds that the fact that the Proposed Exhibits were used in preparing Svetlana Radovanović's expert report necessitates their addition to the 65 *ter* List,

**CONSIDERING** that the Chamber therefore finds that it is in the interests of justice to add them to the 65 *ter* List,

**FOR THESE REASONS,**

**IN ACCORDANCE** with Rules 65 *ter*, 89 (C), 90 (F) and 94 *bis* of the Rules,

**DECIDES** to join the Prosecution Motion and the Prlić Defence Motion,

**DECIDES** that Witness Svetlana Radovanović shall appear before the Chamber as an expert witness from 24 to 27 November 2008,

**DECIDES** that the Prlić Defence shall have two hours to conduct its direct examination and possible re-examination of Witness Svetlana Radovanović,

**GRANTS** the Prosecution Motion and grants the Prosecution three hours to cross-examine Witness Svetlana Radovanović,

**DECIDES** that together the Petković and Praljak Defence teams shall have one hour to cross-examine Witness Svetlana Radovanović, **AND**

**GRANTS** the Prlić Defence Motion and grants it leave to add Exhibits 1D 03099, 1D 03100, 1D 03101, 1D 03102 and 1D 03103 to the 65 *ter* List.

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

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Jean-Claude Antonetti  
Presiding Judge

Done this twenty-first day of November 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**