



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-99-36-T  
Date: 13 May 2003  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge Ivana Janu  
Judge Chikako Taya

**Registrar:** Mr. Hans Holthuis

**Decision of:** 13 May 2003

**PROSECUTOR**

v.

**RADOSLAV BRĐANIN**

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**DECISION ON PROSECUTION'S SUBMISSION OF  
STATEMENT OF EXPERT WITNESS COLIN KAISER**

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**The Office of the Prosecutor:**

Ms. Joanna Korner  
Mr. Andrew Cayley

**Counsel for the Accused:**

Mr. John Ackerman  
Mr. David Cunningham

**TRIAL CHAMBER II** (“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 Submission of Statements of Expert Witnesses Pursuant to Rule 94 *bis*”, filed on 12 December 2002, which pursuant to Rule 94*bis*(A) of the Rules of Procedure and Evidence (“Rules”) discloses *inter alia* the full statement of Colin Kaiser, an expert witness which the Prosecution intends to call (“Expert Witness”);

**NOTING** the “Response to Prosecutor’s Expert Witness Submission as to Colin Kaiser”, filed on behalf of the Accused Radoslav Brđanin (“Accused”) on 8 May 2003 (“Response”);

**CONSIDERING** the Response which, on the basis of Rule 94*bis*(B)(i) and (ii) of the Rules, indicates that the Accused:

- 1) does not accept the statement of the Expert Witness; and
- 2) wishes to cross-examine the Expert Witness;

**CONSIDERING** that the Accused does not challenge the qualifications of the Expert Witness as an expert or the relevance of all or parts of his report pursuant to Rule 94*bis*(C) of the Rules;

**EMPHASISING** that this decision will not affect the Trial Chamber’s discretion to assess later on whether the report of the Expert Witness shall be admitted into evidence according to Rule 89(C) of the Rules;

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rule 54 and Rule 94*bis* of the Rules;

**HEREBY DECIDES THAT** the Expert Witness is required to appear for cross-examination.

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

Dated this 13<sup>th</sup> day of May 2003,

At The Hague

The Netherlands



**Carmel Agius**

**Presiding Judge**

**[Seal of the Tribunal]**