



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-02-54-T  
Date: 17 December 2003  
Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Richard May, Presiding  
Judge Patrick Robinson  
Judge O-Gon Kwon

**Registrar:** Mr. Hans Holthuis

**Decision of:** 17 December 2003

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**DECISION ON PROSECUTION SUBMISSION OF  
EXPERT STATEMENTS PURSUANT TO RULE 94 *bis***

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**The Office of the Prosecutor**

Ms. Carla Del Ponte  
Mr. Geoffrey Nice  
Mr. Dermot Groome

**The Accused**

Mr. Slobodan Milošević

**Amici Curiae**

Mr. Steven Kay, QC  
Mr. Branislav Tapušковиć  
Prof. Timothy L.H. McCormack

**THIS 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 (“the International Tribunal”),

**BEING SEISED** of a “Prosecution Submission of Expert Statements Pursuant to Rule 94 *bis*”, filed on 3 December 2003 (“Motion”), in which the Prosecution seeks to admit the expert report of Mr. Ton Zwaan “On the Aetiology and Genesis of Genocides and Other Mass Crimes Targeting Specific Groups” pursuant to Rule 94 *bis*,

**NOTING** that the Trial Chamber had reserved making a determination as to whether to add this witness to the Prosecution witness list until his report had been filed pursuant to Rule 94 *bis*,<sup>1</sup>

**CONSIDERING** the Trial Chamber’s ruling subsequent to the filing of the Prosecution’s pre-trial material for the Croatia and Bosnia part of these proceedings that it would only allow the admission of additional material by the Prosecution on good cause being shown,<sup>2</sup>

**CONSIDERING** that, with respect to this witness, the Trial Chamber accepts that the explanation offered in the Motion satisfies the Trial Chamber that its requirement that good cause be shown is satisfied, in that the witness has only recently been identified and produced his report and that his expert evidence is relevant and important,

**PURSUANT TO** Rules 54 and 94 *bis* of the Rules of Procedure and Evidence

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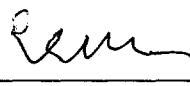
<sup>1</sup> “Decision on Prosecution’s Fourth Omnibus Motion for Leave to Amend the Witness List and Request for Protective Measures”, 21 November 2003.

<sup>2</sup> “Decision on Prosecution Request for Agreement of Trial Chamber to Amend Schedule of Filings”, 18 April 2002, p.3.

**HEREBY ORDERS:**

- (1) Witness Ton Zwaan may be added to the Prosecution witness list.
- (2) The expert report of the witness and addendum is admitted pursuant to Rule 94 *bis*.

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



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Richard May  
Presiding

Dated this seventeenth day of December 2003  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**