



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-03-67-T
Date: 18 November 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr Hans Holthuis

Decision of: 18 November 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON THE EXPERT STATUS OF ANNA-MARIA RADIĆ AND ON
ADDING HER REPORT AND RELATED DOCUMENTS
TO THE 65 *TER* LIST**

The Office of the Prosecutor

Mr Daryl Mundis
Ms Christine Dahl

The Accused

Mr Vojislav Šešelj

SEIZED of a motion by the Prosecution dated 17 November 2008, disclosing pursuant to Rule 94 *bis* of the Rules a report by Anna-Maria Radić with related documents and requesting their addition to the 65 *ter* list;¹

NOTING the Chamber's decision of 16 June 2008 allowing the replacement of Ivan Grujić by Višnja Bilić and Anna-Maria Radić as experts designated by the Prosecution regarding the exhumation and identification process in Croatia and the issue of displaced persons, respectively;²

NOTING the Accused's comment during the hearing of 13 November 2008 indicating that he would like Anna-Maria Radić to appear after Višnja Bilić;³

NOTING the testimony of Višnja Bilić before the Chamber on 18 November 2008;

NOTING the oral response of the Accused at the hearing today indicating that he challenged the qualifications and the report of Anna-Maria Radić as well as the additions to the 65 *ter* list requested by the Prosecution;

CONSIDERING that it is up to the Chamber to determine whether, in light of the elements presented by the parties, a person proposed as an expert witness may be recognized as such;

CONSIDERING that since 2006, Anna-Maria Radić has been in charge of the "Department for Areas Outside Areas of Special State Concern" for the Directorate for Displaced Persons, Returnees and Refugees of the Croatian government, where she works primarily on the question of displaced persons and that she has been working in this Directorate or one of its predecessors since 1994;⁴

CONSIDERING that in view of her professional experience in the matter, Anna-Maria Radić is entitled to testify as an expert within the meaning of Rule 94 *bis* of the Rules on the issue of displaced persons, which is the subject of her report;

¹ Prosecution's Notice of Disclosure of the Expert Report of Anna-Maria Radić Pursuant to Rule 94 *bis* and Motion for Leave to Amend the 65 *ter* Exhibit List, 17 November 2008 ("Motion").

² Decision on Prosecution's Motion for Leave to Amend its Witness List and Exhibit List, 16 June 2008.

³ Hearing of 13 November 2008, Transcript in French, 11754 (private session).

⁴ Motion, Annex A.

CONSIDERING nevertheless that in light of the objections raised by the Accused, Anna-Maria Radić should appear *viva voce* before the Chamber as of 20 November 2008 in order to answer questions by the Prosecution, the Accused and possibly the Chamber;

CONSIDERING FURTHERMORE that in order to grant a request to add exhibits to the Prosecution's Exhibit List – such an addition must remain the exception – the Chamber must ensure that the rights of the Accused are respected;

CONSIDERING that the report of Anna-Maria Radić and the related documents *prima facie* present a certain relevance in that they concern information gathered by the Croatian Government on displaced persons during the conflict;

CONSIDERING that these documents were submitted to the Accused on 13 and 14 November 2008 by the Prosecution and that even though the Chamber finds that the Accused should normally be entitled to more time to consult an expert report and related documents, the Accused himself asked that Anna-Maria Radić's appearance take place during the week of 18 November 2008;

CONSIDERING consequently that the addition of Anna-Maria Radić's report and related documents to the 65 *ter* list will not prejudice the Accused;

FOR THE FOREGOING REASONS

GRANTS the Prosecution's Motion and **ORDERS**:

- (i) Anna-Maria Radić shall appear before the Chamber as an expert on 20 November 2008;
- (ii) the duration of examination-in-chief shall not exceed 45 minutes;
- (iii) the duration of cross-examination shall not exceed one hour and thirty minutes; and

- (iv) the Prosecution is hereby authorised to add Anna-Maria Radić's report and related document to its 65 *ter* list;

AND FINALLY INDICATES that in light of the testimony of Anna-Maria Radić in the present case, the Chamber will rule on the admission of her report and related documents.

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

 /signed/
Jean-Claude Antonetti
Presiding Judge

Done this eighteenth day of November 2008
At The Hague
The Netherlands

[Seal of the Tribunal]