



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-95-5/18-T

Date: 2 July 2010

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge O-Gon Kwon, Presiding Judge  
Judge Howard Morrison  
Judge Melville Baird  
Judge Flavia Lattanzi, Reserve Judge

**Registrar:** Mr. John Hocking

**Order of:** 2 July 2010

**PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

**ORDER TO THE REGISTRY IN RELATION TO ACCUSED'S REQUEST FOR  
ASSISTANCE OF DEFENCE EXPERT IN THE COURTROOM**

**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**Standby Counsel**

Mr. Richard Harvey

**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 (“Tribunal”);

**NOTING** that on 28 June 2010, the Accused filed a request for permission for his weapons expert, Zorica Subotić, to be present in the courtroom during the testimony of Office of the Prosecutor (“Prosecution”) witness Ekrem Suljević (“Request”),<sup>1</sup> in which he submits that, despite not being an expert witness, Ekrem Suljević will testify to a number of technical matters including the direction of fire and modified air bombs, and that the presence of Ms. Subotić is necessary to ensure the Accused’s adequate cross-examination of the witness;<sup>2</sup>

**NOTING** that on 29 June 2010, the Prosecution filed its response, stating that it did not oppose the Request in light of the fact that parts of Ekrem Suljević’s evidence will concern technical matters related to ballistics and explosives;<sup>3</sup>

**NOTING** that on 30 June 2010, the Chamber granted the Request;<sup>4</sup>

**CONSIDERING** that, as the Registry is meeting the costs of the Accused’s defence, the Accused is unable to pay the costs related to Ms. Subotić’s travel to The Hague and her attendance of the courtroom proceedings;

**CONSIDERING** that the Tribunal’s Office of Legal Aid and Detention Matters (“OLAD”) has determined that Ms. Subotić’s presence in the courtroom does not fall strictly within the scope of her assignment as a defence expert;<sup>5</sup>

**CONSIDERING**, however, that the presence of Ms. Subotić in the courtroom during the testimony of Ekrem Suljević will assist both the Accused and the Chamber, most particularly in ensuring that the Accused’s cross-examination of this witnesses is efficient and effective;

**CONSIDERING**, therefore, that it is in the interests of justice for the Registrar to provide the funding necessary to ensure that Ms. Subotić may be present in the courtroom for the testimony of Ekrem Suljević;

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<sup>1</sup> Request to Have Assistance of Defence Expert in Courtroom for Testimony of Ekrem Suljević, 28 June 2010.

<sup>2</sup> Request, paras. 2-3.

<sup>3</sup> Prosecution’s Response to Accused’s Request to Have Assistance of Defence Expert in the Courtroom for Testimony of Ekrem Suljević, 29 June 2010.

<sup>4</sup> Hearing, T. 4402 (30 June 2010).

**CONSIDERING** further that should the Accused make any further request or requests for assistance of a particular designated defence expert to be present during the testimony of a witness in order to assist the Accused with his cross-examination of that witness, and the Chamber grants such a request or requests, it is in the interests of justice for the Registrar to provide the funding necessary to ensure that the defence expert may be present in the courtroom for the testimony of that witness;

**PURSUANT** to Rule 54 of the Tribunal's Rules of Procedure and Evidence, **HEREBY ORDERS** that:

- a) The Registrar shall provide the funding necessary to ensure that Ms. Subotić may be present in the courtroom for the testimony of Ekrem Suljević;
- b) Should the Chamber grant any future request or requests for a particular designated defence expert to be present during the testimony of a witness in order to assist the Accused with his cross-examination of that witness, the Registrar shall provide the funding necessary to ensure that the defence expert may be present in the courtroom for the testimony of that witness.

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




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Judge O-Gon Kwon  
Presiding

Dated this second day of July 2010  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>5</sup> Letter from OLAD to the Accused's Legal Advisor, Mr. Peter Robinson, 8 June 2010. *See also* Letter from OLAD to the Accused, 22 July 2009.