

**UNITED
NATIONS**



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-09-92-T
Date: 24 May 2016
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr John Hocking

Decision of: 24 May 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON ADMISSION OF THE EXPERT REPORT OF
SVETLANA RADOVANOVIĆ**

Office of the Prosecutor

Mr Peter McCloskey
Mr Alan Tieger

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

I. PROCEDURAL HISTORY AND SUBMISSIONS

1. On 13 May 2015, the Chamber granted Dr Svetlana Radovanović status as an expert in the field of demographics.¹ On 21 March 2016, pursuant to Rule 94 *bis* (A) of the Tribunal's Rules of Procedure and Evidence ("Rules"), the Defence filed a confidential notice of disclosure ("Defence Notice") tendering into evidence a report authored by Radovanović entitled "Expert Report on the scientific grounds and credibility of the findings of Prosecution expert witness Dr Ewa Tabeau presented as proof of death analysis for victims of war exhumed from the Tomasiča mine, Prijedor, Bosnia and Herzegovina for the Mladić case" ("Report"), dated 3 March 2016.² The Defence submits that the Report is well informed, surpasses minimum standards of reliability, is relevant to the case, and is of significant probative value.³ On 20 April 2016, the Prosecution filed a response ("Response") to the Defence Notice.⁴ While the Prosecution does not challenge the relevance of the subject matter of the Report, it does not accept the conclusions of the Report and wishes to cross-examine the witness.⁵ The Prosecution cross-examined the witness on 2 and 3 May 2016. On 2 May 2016, the Report was marked for identification as D1484, with the Chamber deferring its decision on the admission of the Report until the conclusion of Radovanović's testimony.⁶

II. APPLICABLE LAW

2. The Chamber recalls and refers to the applicable law on the admission of expert evidence as set out in a previous decision.⁷

III. DISCUSSION

3. The Chamber considers that the content of the Report, which reviews the sources, methodology, and reliability of Tabeau's expert demographic evidence, falls within the scope of Radovanović's recognized expertise in the field of demographics. Moreover, the Report discusses the estimated number of victims exhumed from the Tomašica mine in Prijedor Municipality and is therefore relevant to the charges set out in the Municipalities component of the Indictment. Furthermore, the Report was authored by a recognized expert who testified about its methodology

¹ T. 35582-35584.

² Defence Notice of Disclosure of Expert Report by Svetlana Radovanović pursuant to Rule 94*bis*, 21 March 2016 (Confidential), paras 1, 18.

³ Defence Notice, paras 8-17.

⁴ Prosecution Response to Defence Notice of Disclosure of Expert Report by Svetlana Radovanović Pursuant to Rule 94*bis*, 20 April 2016.

⁵ Response, para 2.

⁶ T. 43865-43866.

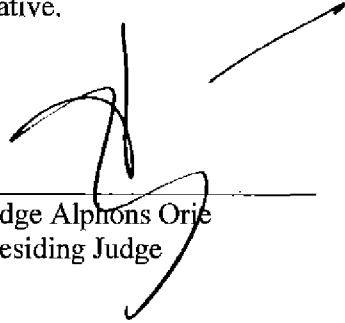
⁷ Decision on Defence Request to Disqualify Richard Butler as an Expert and Bar the Prosecution from Presenting his Reports, 19 October 2012, paras 4-9.

and conclusions, and contains cited sources throughout. For these reasons, the Chamber finds that the Report is relevant and has sufficient probative value for the purpose of admission.

IV. DISPOSITION

4. For the foregoing reasons, and pursuant to Rule 89 (C) of the Rules, the Chamber hereby **ADMITS** into evidence D1484.

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



Judge Alphons Orie
Presiding Judge

Dated this twenty-fourth day of May 2016
At The Hague
The Netherlands

[Seal of the Tribunal]