

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-03-69-T**
Date: **30 November 2010**

TRIAL CHAMBER I

Before: **Judge Alphons Orie, Presiding**
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: **Mr. John Hocking**

THE PROSECUTOR

v.

**JOVICA STANIŠIĆ &
FRANKO SIMATOVIĆ**

Public

**PROSECUTION NOTICE OF WITHDRAWAL OF EXPERT REPORT
OF CHRISTIAN NIELSEN AND NENA TROMP**

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Mr. Mihajlo Bakrač
Mr. Vladimir Petrović

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-03-69-T

**THE PROSECUTOR
v.
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**PROSECUTION NOTICE OF WITHDRAWAL OF EXPERT REPORT OF
CHRISTIAN NIELSEN AND NENA TROMP**

I. INTRODUCTION

1. The Prosecution herein provides notice of its withdrawal of the expert report of Christian Nielsen and Nena Tromp.

II. PROCEDURAL HISTORY

2. On 9 July 2007 the Prosecution submitted the expert report of Nena Tromp and Christian Nielsen entitled “The Organisation of Internal Affairs Within the Serbian Entities in the Former Yugoslavia (1991 – 1995)” pursuant to Rule 94bis (A) of the Rules of Procedure and Evidence.¹ On 27 July 2007, the Prosecution provided a corrected version of the report (“Report”).²
3. On 18 March 2008, the Trial Chamber deferred its decision on admission of the Report and ordered the Prosecution to call Christian Nielsen to appear for cross-examination.³

¹ *Prosecutor v. Jovica Stanišić & Franko Simatović*, Case No. IT-03-69-T (“*Stanišić & Simatović*”), Prosecution’s Submission of the Expert Report of Nena Tromp and Christian Nielsen Pursuant to Rule 94bis with Annexes A and B, 9 July 2007.

² *Stanišić & Simatović*, Prosecution’s Submission of Corrigendum to Expert Report of Nena Tromp and Christian Nielsen with Annex A, 27 July 2007.

³ *Stanišić & Simatović*, Decision on Prosecution’s Submission of the Expert Report of Nena Tromp and Christian Nielsen pursuant to Rule 94bis, 18 March 2008.

4. On 28 March 2008, the Prosecution submitted an updated version of the Report dated 18 March 2008 (“Updated Report”).⁴ On 18 September 2009 the Prosecution submitted an addendum prepared by Christian Nielsen and dated 14 September 2009 (“Addendum”).⁵

III. SUBMISSIONS

5. In the course of final preparations to call Christian Nielsen, the Prosecution has discovered that chapters one (“Yugoslav Federations”)⁶, two (“Serbia”) and three (“Serbian Krajina”)⁷ of the Report were not authored by Christian Nielsen. Chapter one represents a composite of the work of Budimir Babović and Nena Tromp.⁸ Chapter three represents a composite of the work of Ari Kerkanen and Nena Tromp.⁹ In addition, chapter two (“Serbia”) of the Report was authored by Nena Tromp. As such, Mr. Nielsen will be unable to properly address challenges or answer questions regarding chapters one to three of the report.
6. Mr. Nielsen is the primary author of chapter four of the Report dealing with issues related to the Ministry of Interior of Republika Srpska, and the Addendum filed on 18 September 2009 and will only be able to answer questions on his chapter and the Addendum. As chapter four has the least relevance to this case, the Prosecution takes the decision to not call him as a witness and to withdraw its application under 94 *bis* submitting the Report.¹⁰

⁴ *Stanišić & Simatović*, Second Prosecution Motion to Amend its Rule 65ter Exhibit List and Submission of Second Corrigendum to Expert Report of Christian Nielsen and Nena Tromp Pursuant to Rule 94 *bis*, 28 March 2008.

⁵ *Stanišić & Simatović*, Prosecution Submission of Addendum to Expert Report of Christian Nielsen Pursuant to Rule 94bis, 18 September 2009.

⁶ Chapter One deals with two topics: SFRY Federal Secretariat for Internal Affairs (1972-1994) and FRY State Security Service (1992).

⁷ Chapter Three deals with two topics: Political Background; SAO Krajina/RSK law on International Affairs; SAO Krajina Ministry of Internal Affairs in 1991; State Security Service of RSK MUP; RSK MUP Special Purpose Units; and RSK MUP Training in Golubić.

⁸ Opinions of Budimir Babović can be found in his MUP Expert Report under ERN 0306-6653-0306-6703 as filed in the *Milošević* case.

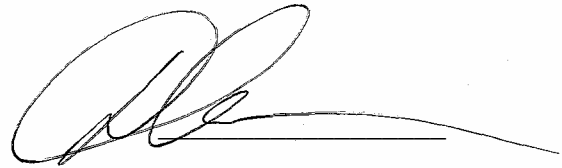
⁹ Opinions of Ari Kerkanen can be found in his statement of 24 February 2005 and report under ERN 0364-6958-0364-7028 and filed in the *Martić* case.

¹⁰ The Prosecution will further correspond with both defence teams regarding the Rule 66(B) request related to this report.

IV. CONCLUSION

7. For the reasons set forth above, the Prosecution respectfully withdraws its application under *94bis* with respect to the expert report authored by Christian Nielsen and Nena Tromp entitled “The Organisation of Internal Affairs Within the Serbian Entities in the Former Yugoslavia (1991 – 1995).”

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dermot Groome', with a long horizontal flourish extending to the right.

Dermot Groome

Senior Trial Attorney

Dated this 30th day of November 2010
At The Hague, The Netherlands

Words: 718