



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-00-39-AR72.2
Date: 25 May 2001
Original: French

BEFORE THE APPEALS CHAMBER

Before: President Claude Jorda
Judge Lal Chand Vohrah
Judge Mohamed Shahabuddeen
Judge Rafael Nieto-Navia
Judge Fausto Pocar

Registrar: Mr. Hans Holthuis

Decision of: 25 May 2001

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

DECISION ON INTERLOCUTORY MOTION CHALLENGING JURISDICTION

Counsel for the Prosecutor:
Mr. Mark Harmon

Counsel for the Defence:
Mr. Goran Nešković
Mr. Svetislav Stanojević
Ms. Milena Kusmuk

The Appeals 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") is seized of an interlocutory appeal against a written decision rendered by Trial Chamber III on 22 September 2000, filed by counsel for the accused Momčilo Krajišnik ("the Appellant" or "the Defence") on 9 October 2000.

Having considered the written submissions of both parties and pursuant to the Statute and the Rules of Procedure and Evidence of the International Tribunal ("the Statute" and "the Rules" respectively), the Appeals Chamber

HEREBY RENDERS ITS DECISION.

I. INTRODUCTION

A. Procedural History

1. On 8 June 2000, the Defence filed before Trial Chamber III, the “Defendant’s Preliminary Motion As Regards the Jurisdiction of the ICTY” (“the Preliminary Motion”) pursuant to Rule 72(A)(i) of the Rules. On 22 June 2000, the Prosecution filed its “Prosecutor’s Response to ‘Preliminary Motion of the Defendant As Regards the Jurisdiction of ICTY’”, to which the Defence filed the “Defendant’s Reply to Prosecutor’s Response to the ‘Preliminary Motion of the Defendant As Regards the Jurisdiction of ICTY’” on 4 July 2000 (“the Defence Reply”).

2. On 19 July 2000, Trial Chamber III heard oral arguments by the parties. The Chamber delivered its “Decision on Motion Challenging Jurisdiction” on 4 August 2000, dismissing the Defence Preliminary Motion with reasons to follow in due course. On 8 August 2000 the Defence filed before the Appeals Chamber a notice of intent to appeal the Trial Chamber’s decision (“the Notice of Intent to Appeal”).¹

3. On 22 September 2000, the Trial Chamber issued its “Decision on Motion Challenging Jurisdiction – With Reasons” (“the Impugned Decision”). Judge Bennouna appended a separate opinion setting out his different views on some aspects of the Trial Chamber’s reasoning.

4. On 9 October 2000, the Defence filed the “Defence Interlocutory Appeal to the Trial Chamber’s Decision on Motion Challenging Jurisdiction” (“the Appeal”).² The Prosecution filed on 19 October 2000, the “Prosecutor’s Response to the Defence Interlocutory Appeal to the Trial Chamber’s Decision on Motion Challenging Jurisdiction” (“the Prosecutor’s Response”). The Appellant did not file a reply.

¹ “Notice of Intent to Appeal the Trial Chamber’s Decision on Motion Challenging Jurisdiction”, 8 August 2000.

² The 15-day time limit prescribed by Rule 72(C) of the Rules runs from, but does not include, the day upon which the Trial Chamber’s reasoned decision is filed. Should the last day of the time limit fall upon a non-working day of the International Tribunal, it shall be considered as falling on the first working day thereafter. In the present case, the time limit fell on Saturday 7 October 2000, a non-working day of the International Tribunal. However, since the Appeal was filed on the following Monday, 9 October 2000, the first working

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B. Grounds of Appeal

5. The Appellant challenges the Impugned Decision on the basis that the Trial Chamber erred in its findings in respect of his

- (1) general challenge to the jurisdiction of the International Tribunal (“the First Ground of Appeal”);
- (2) specific challenge to jurisdiction in relation to Article 7(3) of the Statute (“the Second Ground of Appeal”);
- (3) specific challenge to jurisdiction in relation to Articles 2 and 3 of the Statute (“the Third Ground of Appeal”); and
- (4) specific challenge to jurisdiction in relation to acts alleged in the Indictment to have been committed prior to the commencement of the armed conflict in Bosnia and Herzegovina (“the Fourth Ground of Appeal”).

II. DISCUSSION

A. The Scope of the Right to Appeal

6. The Appeal is submitted pursuant to Rule 72(B)(i) of the Rules, which provides that:³

- (B) Decisions on preliminary motions are without interlocutory appeal save
 - (i) in the case of motions challenging jurisdiction, where an appeal by either party lies as of right;

day thereafter, it was filed timely. See Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal, 1 October 1999, IT/155, para. 3.

³ The present version of Rule 72 provides that, in order for an appeal brought under paragraph (B)(i) to proceed, a bench of three Judges must determine that the appeal is capable of satisfying the requirement of paragraph (D), which states that a motion challenging jurisdiction refers exclusively to a motion challenging an indictment on the ground that it does not relate to either personal, territorial, temporal or subject-matter jurisdiction. However, this Appeal is controlled by an earlier version of the Rule, which does not require a preliminary decision on the admissibility of the appeal by a bench of three Judges.

7. The initial question presented by the Appeal is whether the grounds of appeal raised by the Appellant amount to a challenge to the jurisdiction of the International Tribunal such that they could form the basis of an interlocutory appeal pursuant to Rule 72(B)(i) of the Rules.

8. The Appeals Chamber considers that in order to establish a right of appeal on a motion challenging jurisdiction pursuant to Rule 72(B)(i) of the Rules, the onus is on an appellant to show that the ground was raised before the Trial Chamber and relates directly to the International Tribunal's jurisdiction. As such, it must be directed towards the substantial basis on which jurisdiction is exercised. In other words, a jurisdictional challenge should be directed towards the International Tribunal's power to hear and determine proceedings.

B. The First Ground of Appeal

9. The Appellant's First Ground of Appeal challenges the jurisdiction of the International Tribunal generally. The Appeals Chamber considers the Appellant's submissions in relation to the First Ground of Appeal to be as follows: first, the Appellant argues that the establishment of the International Tribunal was not within the powers of the Security Council under the United Nations Charter; second, the Appellant challenges generally the impartiality and independence of the Prosecutor as defined by the Statute; and third, the Appellant challenges certain action taken by the present Prosecutor.

1. The Powers of the Security Council

10. The Appellant's argument relating to the powers of the Security Council under the United Nations Charter to establish the International Tribunal unambiguously challenges the legality of the International Tribunal's establishment. The Appeals Chamber in the *Tadić* case⁴ ("the *Tadić* Jurisdiction Decision") held that the ambit of the term "jurisdiction"

⁴ *The Prosecutor v. Tadić, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction*, IT-94-1-AR72, 2 October 1995.

extends to challenges to the legality of the International Tribunal's establishment generally.

The Appeals Chamber declared:

In sum, if the International Tribunal were not validly constituted, it would lack the legitimate power to decide in time or space or over any person or subject-matter. The plea based on the invalidity of constitution of the International Tribunal goes to the very essence of jurisdiction as a power to exercise the judicial function within any ambit. It is more radical than, in the sense that it goes beyond and subsumes, all the other pleas concerning the scope of jurisdiction. This issue is a preliminary to and conditions all other aspects of jurisdiction.⁵

Challenges to the legality of the International Tribunal's establishment are thus included within the scope of the International Tribunal's power to hear and determine proceedings. The Appeals Chamber is, therefore, satisfied that this argument constitutes a challenge to jurisdiction as defined by Rule 72(B)(i) of the Rules.

11. The Appellant argues that the Trial Chamber erred in finding, on the basis of the *Tadić* Jurisdiction Decision, that i) the establishment of the International Tribunal by the Security Council, acting under Chapter VII of the United Nations Charter, constitutes a measure not involving the use of force within the meaning of Article 41 of the same Charter; ii) the International Tribunal was established by law; and iii) the International Tribunal meets the requirements for procedural fairness. The Appellant specifically submits that the Trial Chamber failed to consider that, even on the broadest interpretation, the establishment of the International Tribunal and adoption of its Statute could not be assigned to the "measures" envisaged by Article 41 of the Charter⁶ since the Security Council is not empowered to enforce judicial or legislative functions. The Appellant also complains that the Trial Chamber abused its discretion in that it simply referred to the *Tadić* Jurisdiction Decision without adequate consideration of the arguments before it.⁷

12. The Trial Chamber considered in the Impugned Decision that the findings of the Appeals Chamber in the *Tadić* Jurisdiction Decision "provide a complete answer"⁸ to the following arguments of the Appellant: the Security Council had no authority to establish the International Tribunal; the International Tribunal's establishment is inconsistent with the functions of the Security Council; the Security Council cannot establish subsidiary bodies; and "the Statute violates a whole range of human rights determined by the [International

⁵ *Tadić* Jurisdiction Decision, para. 12.

⁶ Appeal, para. 12; referring to the Defence Reply, para. 8.

⁷ Appeal, para. 12.

Covenant for Civil and Political Rights]” (“the ICCPR”), whose provisions constitute *jus cogens*.⁹

13. The Appeals Chamber is unable to find that the Trial Chamber erred as alleged. In responding to the arguments of the Appellant, it was open to the Trial Chamber to rely on the *Tadić* Jurisdiction Decision, which, in the view of the Appeals Chamber, adequately addresses the Appellant’s submission on the powers of the Security Council.¹⁰ Furthermore, as concluded by the Trial Chamber, that decision was, according to the jurisprudence of the Appeals Chamber, binding upon it.¹¹

14. The Appellant specifically maintains that the Trial Chamber erred in concluding that the Security Council had authority to establish the International Tribunal. The Appeals Chamber observes that the majority in the *Tadić* Jurisdiction Decision interpreted the Security Council’s powers under the UN Charter as allowing a “very wide margin of discretion”¹² and was satisfied, after careful consideration of the purpose of Article 41, that:

It is evident that the measures set out in Article 41 are merely illustrative examples which obviously do not exclude other measures. All the Article requires is that they do not involve ‘the use of force’. It is a negative definition.¹³

15. Given these conclusions, the Appellant’s call for a stricter interpretation of Article 41 of the Charter of the United Nations would have the effect of overturning the *Tadić* Jurisdiction Decision. As such, the Appellant is required to show “cogent reasons in the interests of justice”¹⁴ in favour of his interpretation. He has clearly failed to do so. The Appellant’s submissions relating to the powers of the Security Council is, therefore, dismissed.

⁸ Impugned Decision, para. 16.

⁹ Impugned Decision paras 14-16.

¹⁰ *Tadić* Jurisdiction Decision, paras 26-48.

¹¹ *Prosecutor v. Aleksovski*, Judgement, IT-95-14/1-A, 24 March 2000, para. 113.

¹² *Tadić* Jurisdiction Decision, para. 32.

¹³ *Tadić* Jurisdiction Decision, para. 35.

¹⁴ *Prosecutor v. Aleksovski*, Judgement, IT-95-14/1-A, 24 March 2000, para. 107.

2. The Institutional Impartiality and Independence of the Prosecutor

16. On the issue of the institutional impartiality and independence of the Prosecutor, the Appellant alleges that the necessary prerequisites for the independent and impartial exercise of judicial function are lacking “[d]ue to the basic statutory deficiencies relating to the legitimacy of the Tribunal itself and the Prosecutor’s position in particular.”¹⁵

17. The Appeals Chamber considers that the substance of this submission relates to the Appellant’s general assertion that the International Tribunal’s establishment was in breach of Article 14(1) of the ICCPR and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the ECHR”).¹⁶ As such, and for reasons similar to those articulated in relation to the submission on the powers of the Security Council, the Appeals Chamber is satisfied that this submission also constitutes a challenge to the International Tribunal’s power to hear and determine the present proceedings and hence its jurisdiction. The Appeals Chamber is thus satisfied that Rule 72 of the Rules affords the Appellant a right of appeal in respect of the institutional impartiality and independence of the Prosecutor.

18. The Appellant submits that the Trial Chamber erred in finding that the International Tribunal’s establishment did not violate Article 14(1) of the ICCPR and Article 6 of the ECHR.¹⁷ He argues that the Statute lacks the necessary requirements for ensuring an independent and impartial exercise of judicial function. In his view, the fundamental requirement¹⁸ of a fair and public hearing by a competent, independent and impartial tribunal, established by law, is not satisfied by the incorporation of Articles 16(2)¹⁹ and 21²⁰ in the Statute. In support of this contention he submits that there are no enforcement mechanisms to ensure the impartiality and independence of the Prosecutor.²¹ In particular, the Appellant bases this assertion on the following:

¹⁵ Appeal, para. 19.

¹⁶ Appeal, paras 17 – 18.

¹⁷ Appeal, paras 17 – 18.

¹⁸ The right derives from Article 14(1) of the ICCPR and Article 6 of the ECHR, cited in the Appeal, para 17.

¹⁹ Article 16(2) of the Statute provides that: The Prosecutor shall act independently as a separate organ of the International Tribunal. He or she shall not seek or receive instructions from any Government or any other source.

²⁰ Article 21 of the Statute sets out various rights of the accused.

²¹ Appeal, paras 19 – 27.

i) The ICTY Statute and Rules, unlike Articles 14 and 53(3) of the Rome Statute of the International Criminal Court ("the Rome Statute"), do not provide a mechanism by which "States can request a Prosecutor to investigate a case" or subsequently "request the Pre-Trial Chamber to review this [sic] prosecutor's position."²²

ii) There is no possibility of the Prosecutor's removal from office as provided for in Article 46 of the Rome Statute.²³

19. The Appeals Chamber notes that Article 16(2) of the Statute requires the Prosecutor, in carrying out all her statutory duties, to "act independently as a separate organ of the International Tribunal". The same Article also provides that the Prosecutor shall not seek or receive instructions from any Government or any other source. Article 19 of the Statute requires that all indictments prepared by the Prosecutor be reviewed by a Judge of the International Tribunal and confirmed when that Judge is satisfied that the Prosecutor has established a *prima facie* case. Furthermore, the Prosecutor of the International Tribunal is appointed for a period of four years through a statutorily defined process.²⁴ As with the appointment of Judges to the International Tribunal, the Statute defines requisite personal and professional standards. A Prosecutor is required "to be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases."²⁵

20. In view of the foregoing, the Appeals Chamber can find no basis upon which it may be concluded that the Trial Chamber erred in finding that the International Tribunal meets the criteria of an impartial and independent tribunal. It does not necessarily follow from the absence of the mechanisms suggested by the Appellant that the International Tribunal has not been established as such an institution. The Appellant's assertions based on distinctions between the Statute and the Rome Statute fall well short of establishing a breach of the principle enshrined in Article 14(1) of the ICCPR and Article 6 of the ECHR and do not undermine the legality of the International Tribunal's jurisdiction.

21. The Appellant's submissions relating to the institutional impartiality and independence of the Prosecutor are, therefore, dismissed.

²² Appeal, para. 22.

²³ Appeal, para. 24.

²⁴ Article 16(4) of the Statute.

²⁵ Article 16(4) of the Statute.

3. The Impartiality and Independence of the present Prosecutor

22. The Appellant alleges that “the [present] Prosecutor has seriously breached Article 21(1) of the Tribunal Statute, which mandates that all persons be equal before the Tribunal.”²⁶ The Appellant submits that “[d]iscrimination by the [present] Prosecutor of the accused based on their nationality is rather clear and obvious.”²⁷ The Appellant further alleges that by way of similar conduct, the present Prosecutor has breached her obligation of independence as defined by Article 16(2) of the Statute.²⁸ He asserts that the present Prosecutor’s breach of these provisions has been established by the following alleged facts:

- (i) The Prosecutor meets various Ministers of Internal Affairs and discusses with them the policy of prosecution.²⁹
- (ii) The Prosecutor approves of financial donations by certain States for specifically targeted investigations, such as the exhumation of mass-graves in Bosnia and Herzegovina, and Croatia, contrary to Article 32 of the Statute.³⁰
- (iii) The claim that “apart from the *Delalić et al.* (“*Čelebići*”) case, the Prosecutor did not bring the charges against Muslims and Croats responsible for numerous massive crimes committed against Serbs in Bosnia and Herzegovina.”³¹

23. The Appeals Chamber considers that the Appellant has failed to substantiate how this aspect of the Appeal constitutes a challenge to jurisdiction within the meaning of Rule 72 of the Rules. The Appellant’s submissions on this point are therefore dismissed.

4. Conclusion

24. In view of the foregoing analysis, the First Ground of Appeal fails.

²⁶ Appeal, para. 30.

²⁷ Appeal, para. 30.

²⁸ Appeal, para. 15.

²⁹ Appeal, para. 28.

³⁰ Appeal, para. 28; Article 32 of the Statute provides that “[t]he expenses of the International Tribunal shall be borne by the regular budget of the United Nations in accordance with Article 17 of the Charter of the United Nations.”

³¹ Appeal, para. 33. *Prosecutor v. Delalić et al.*, Case No.: IT-96-21-T.

C. The Second Ground of Appeal

25. The Appellant's Second Ground of Appeal asserts that the criminal responsibility established by Article 7(3) of the Statute of the Tribunal violates the principle *nullum crimen sine lege* as a general principle accepted by the international community, because the doctrine of command responsibility was not an international custom at the time of the alleged offence.³²

26. The Appeals Chamber is satisfied that the challenge to the legality of Article 7(3) of the Statute raises a question of the International Tribunal's power to hear and determine charges against the Appellant on that basis and that the question raised is directed towards the substantial basis on which jurisdiction is exercised. As such, the Second Ground of Appeal warrants substantive consideration.

27. The Appellant asserts that the Trial Chamber erred in finding that it had jurisdiction over him in respect of charges brought under Article 7(3) of the Statute. He specifically takes issue with the finding of the majority of the Trial Chamber that

the doctrine of command responsibility, as set forth in Article 7, paragraph 3, of the Statute, formed part of customary international law at the time of the commission of the offences charged in the indictment against the accused.³³

28. The Appellant submits that "command responsibility is not an international custom". He alleges that the Trial Chamber was wrong to note that the doctrine of command responsibility is included in Additional Protocol I to the Geneva Conventions (Articles 86 and 87) in connection with making a finding on the customary nature of that doctrine. In support of this allegation he submits that Additional Protocol I to the Geneva Conventions does not form part of customary international law. The Appellant, however, does "not dispute the contractual nature of the command responsibility only the customary one."³⁴

29. The Appeals Chamber observes that the jurisprudence of the International Tribunal has established that the doctrine of command responsibility had crystallised into customary

³² Appeal, paras 41-57.

³³ Impugned Decision, para. 24. See Appeal, para. 41.

³⁴ Appeal, para. 44.

international law at the time of the alleged offences. The Appeals Chamber has recently concluded in the *Čelebići* case that:

The principle that military and other superiors may be held criminally responsible for the acts of their subordinates is well-established in conventional and customary law.³⁵

30. In addition, it bears mentioning that the Appeals Chamber in the *Tadić* Jurisdiction Decision held that:

the International Tribunal is authorised to apply, in addition to customary international law, any treaty which: (i) was unquestionably binding on the parties at the time of the alleged offence; and (ii) was not in conflict with or derogated from peremptory norms of international law, as are most customary rules of international humanitarian law.³⁶

In this context, the Appeals Chamber observes that the Additional Protocol I of Geneva Conventions was ratified by the Socialist Federal Republic of Yugoslavia on 11 June 1979 and that Croatia and Bosnia-Herzegovina both became parties to that instrument by succession at the dates of their independence.³⁷ Thus, Articles 86 and 87 of Additional Protocol I are therefore applicable by the International Tribunal as part of its jurisdiction arising out of conventional international law.

31. The Appeals Chamber is unable to conclude that the Trial Chamber erred in the sense that it was wrong of it to find that it had jurisdiction over the Appellant in respect of charges brought against him on the basis of individual criminal responsibility under Article 7(3) of the Statute. The Appeals Chamber does not consider it necessary to respond to the more detailed aspects of the Appellant's allegations. The Appeals Chamber finds, accordingly, that the principle *nullum crimen sine lege* is not violated by the application of Article 7(3) of the Statute since a commander may be punished for crimes committed by his subordinates under both customary and conventional law in force at the time of the alleged offences.

32. In view of the foregoing analysis, the Second Ground of Appeal fails.

³⁵ *Prosecutor v. Delalić et al*, Judgement, Case No.: IT-96-21-A, 20 February 2001, para. 195.

³⁶ *Tadić* Jurisdiction Decision, para. 143.

³⁷ Bosnia-Herzegovina, 6 March 1992; the Republic of Croatia, 8 October 1991. Notifications of successions were deposited with the Swiss Federal Council on 11 May 1992 and 31 December 1992 respectively. Both Croatia and Bosnia-Herzegovina would have, in any event, automatically succeeded to the Protocol under customary international law; see also *Prosecutor v. Delalić et al*, Judgement, Case No.: IT-96-21-A, 20 February 2001, paras 109-113.

D. The Third Ground of Appeal

33. It is submitted in the Third Ground of Appeal that Articles 2 and 3 of the Statute violate the principle of *nullum crimen sine lege*.³⁸ The Appellant asserts that “the grave breaches of the Geneva Conventions of 1949 represent acts that are exclusively related to the international armed conflicts” and that Article 3 of the Statute “is based on the provisions of The Hague Convention IV of 18 October 1907 which applies only to the international armed conflicts”.³⁹ The Appellant submits that “the armed conflict in Bosnia and Herzegovina was internal and not international in its character [and that] the International Tribunal has no jurisdiction over this Defendant.”⁴⁰ Based on that argument the Appellant asserts that the Trial Chamber erred in finding that:

Whether that armed conflict was international or internal is a question of fact to be determined at trial, and not by way of preliminary motion. Moreover, the Trial Chamber notes the finding of the Appeals Chamber in the *Tadić* Jurisdiction Decision that Article 3 applies, regardless of whether the acts alleged in the indictment occurred within an internal or an international armed conflict.⁴¹

34. The Appeals Chamber notes that the application of both Articles 2 and 3 requires the existence of an armed conflict. In addition thereto, the application of Article 2 of the Statute depends on a finding that the armed conflict was of an international nature. The applicability of these two provisions depends on findings made by the Trial Chamber, based on the evidence that it receives, as to the nature of the armed conflict. It would, therefore, be premature to consider this ground of appeal. In any event, the arguments of the Appellant do not relate to the jurisdiction of the Tribunal. Hence, Rule 72(B)(i) of the Rules does not afford the Appellant a right of appeal in relation to this ground of appeal.

35. For the foregoing reasons, the Third Ground of Appeal fails.

³⁸ Appeal, para. 59.

³⁹ Appeal, para. 59.

⁴⁰ Appeal, para. 59.

⁴¹ Impugned Decision, para. 25.

E. The Fourth Ground Of Appeal

36. The Appellant submits that “the International Tribunal can try only for the criminal offences committed in an armed conflict”⁴² in accordance with the Appeals Chamber’s finding in the *Tadić* Jurisdiction Decision that “[i]nternational humanitarian law applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached.”⁴³ The Appellant submits that because the Tribunal has already held in *Aleksovski* and *Čelebići* that in Bosnia-Herzegovina as a whole there was continued armed violence at least from 6 March 1992, the Tribunal has no jurisdiction over crimes alleged to have been committed before that date.⁴⁴

37. In view of the Appeals Chamber, whether the crimes in question fall within the jurisdiction of the Tribunal depends, in this case, on answers to questions of fact which will in turn depend on the findings made by the Trial Chamber on the basis of evidence which it receives. It would consequently be premature to consider this ground of appeal. In any event, the arguments of the Appellant do not relate to the jurisdiction of the Tribunal. Accordingly, they do not constitute a challenge to jurisdiction within the meaning of Rule 72B(i) of the Rules.

38. In the view of the foregoing, the Fourth Ground of Appeal fails.

⁴² Appeal, para. 61.

⁴³ *Tadić* Jurisdiction Decision, para. 70.

⁴⁴ Appeal, paras 61 – 63.

III. DISPOSITION

39. For the foregoing reasons, the Appeals Chamber **DISMISSES** the Appeal.

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

/signed/

Claude Jorda
President

Dated this twenty-fifth day of May 2001
At The Hague,
The Netherlands.

[Seal of the Tribunal]