



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-02-54-T
Date: 23 July 2003
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 23 July 2003

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER TO AN AMICUS TO PREPARE WRITTEN SUBMISSIONS

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice
Mr. Dermot Groome

The Accused

Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC
Mr. Branislav Tapušković
Mr. Timothy L.H. McCormack

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 (“International Tribunal”),

CONSIDERING the Order of the Trial Chamber appointing Professor Timothy L.H. McCormack, pursuant to Rule 74 of the Rules of Procedure and Evidence (“Rules”), as an *amicus curiae* in these proceedings,

NOTING the “*Amicus Curiae Observations Proprio Motu on Relevant Issues of International Law*” filed by the *amicus* on 21 July 2003, in which he suggested that written submissions be made on the following issues:

- (a) Self-defence as it arises in the Croatia and Bosnia-Herzegovina parts of this case, on the same basis as the submission still outstanding in relation to part (a) of the Chamber’s Order to *amicus* of 11 December 2002;¹
- (b) The current test at customary and conventional international law for individual criminal responsibility on the basis of participation in a joint criminal enterprise;
- (c) The current test at customary and conventional international law for individual criminal responsibility on the basis of superior responsibility.

CONSIDERING that the Trial Chamber will be assisted by written submissions as to the first issue,

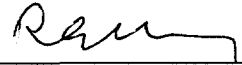
PURSUANT TO Rules 54 and 74 of the Rules,

¹ *Prosecutor v. Slobodan Milošević*, “Order to an Amicus to Prepare Written Submissions”, Case No. IT-02-54-T, 11 December 2002, pursuant to which the *Amicus* was ordered to prepare written submissions on: (a) self-defence as it has arisen in the Kosovo part of this case; (a) an analysis of the applicable law, tracing the history and growth of that defence in international criminal law; and (c) present his conclusions as to its current status under customary and conventional international law.
Case No. IT-02-54-T

HEREBY ORDERS AS FOLLOWS:

- (a) Professor McCormack, as *amicus curiae*, shall prepare written submissions on self-defence as it has arisen in Croatia and Bosnia-Herzegovina parts of this case, on the same basis as the outstanding submissions in relation to Kosovo; these submissions are to be prepared on the basis of the evidence adduced so far in the case, and are to be forwarded to the Chamber by November 30, 2003;
- (b) Arrangements are to be made by the Registry to facilitate the *amicus*' travel to the Hague for the purposes of this Order; and
- (c) The terms of the appointment of Professor McCormack as *amicus curiae* shall remain the same.

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



Richard May
Presiding

Dated this twenty-third day of July 2003
At The Hague
The Netherlands

[Seal of the Tribunal]