



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: 19 April 2004

Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 19 April 2004

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**ORDER ON PROSECUTION'S MOTION FOR A RULING CONCERNING
THE RELATIONSHIP BETWEEN RULE 68 AND RULE 70**

The Office of the Prosecutor

Ms. Carla Del Ponte

Mr. Geoffrey Nice

Mr. Dermot Groome

The Accused

Mr. Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC

Prof. 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”),

BEING SEISED OF a confidential and *ex parte* “Prosecution’s Motion for a Ruling Concerning the Relationship Between Rule 68 and Rule 70”, filed on 24 March 2004 (“Motion”), in which the Prosecution seeks a determination by the Trial Chamber as to a perceived conflict between its obligations under Rules 68 and 70 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),


CONSIDERING that the Motion does not seek adjudication by the Trial Chamber of a particular issue in this case, but is rather a request for the Trial Chamber to issue an advisory opinion in respect of a perceived problem which the Prosecution experiences in its cases,

CONSIDERING that it is not the Trial Chamber’s role to issue advisory opinions on matters of general concern to parties in these, or any other, proceedings,

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence

HEREBY DENIES THE MOTION.

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



Judge Robinson
Presiding

Dated this nineteenth day of April 2004
At The Hague
The Netherlands

[Seal of the Tribunal]