



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: 1 July 2005
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Decision of: 1 July 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER TO *AMICUS CURIAE* TO PREPARE WRITTEN SUBMISSIONS

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice

The Accused

Mr. Slobodan Milošević

Court Assigned Counsel

Mr. Steven Kay, QC
Ms. Gillian Higgins

Amicus Curiae

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”),

Proprio motu,

NOTING the Trial Chamber’s “Order Appointing Amicus Curiae”, issued on 22 November 2002, in which the Chamber noted that “it would be in the interests of securing a fair trial for a third *amicus curiae* with expertise in international law to be appointed”, and designated Professor McCormack as an *Amicus Curiae* for the purposes of (1) making written submissions on and appearing before the Trial Chamber to address questions of international law when requested, and (2) drawing the Trial Chamber’s attention to relevant issues of international law,

NOTING the submissions of the *Amicus Curiae* on the law of self-defence arising in the Kosovo part of the Prosecution case, in response to a request from the Chamber,¹

NOTING that, after the *Amicus* submitted *proprio motu* observations noting self-defence issues arising in the Croatia and Bosnia and Herzegovina parts of the Prosecution case,² the Chamber ordered him to prepare written submissions for those parts of the case on the same basis as those prepared for the Kosovo part of the case,³ a request which he subsequently fulfilled,⁴

CONSIDERING that it is appropriate for the *Amicus* to complete his review of the issue of self-defence by reviewing the evidence presented during the Defence part of the case and preparing submissions with regard to self-defence arising in the Defence case on the same basis as those already submitted for the three parts of the Prosecution case,

¹ See generally *Prosecutor v. Milošević*, Case No. IT-02-54-T, “*Amicus Curiae* Submissions on Self-Defence Arising in the Kosovo Part of the Case as Stipulated in Part (A) of the Order of the Chamber to the *Amicus* of 11 December 2002”, 30 October 2003 (“*Amicus* Kosovo Self-Defence Submissions”).

² *Milošević*, “*Amicus Curiae* Observations *Proprio Motu* on Relevant Issues of International Law”, 21 July 2003.

³ *Milošević*, “Order to An *Amicus* to Prepare Written Submissions”, 23 July 2003; “Order on *Amicus Curiae*’s Request for Separation of and Extension of Time for the Filing of Written Submissions”, 5 November 2003.

⁴ See generally *Milošević*, “*Amicus Curiae* Submissions on Self-Defence Arising in the Croatia Part of the Case as Stipulated in the Order of the Chamber to the *Amicus* of 23 July 2003”, 11 February 2004 (“*Amicus* Croatia Self-Defence Submissions”); *Milošević*, “*Amicus Curiae* Submissions on Self-Defence Arising in the Bosnia-Herzegovina Part of the Case as Stipulated in the Order of the Chamber to the *Amicus* of 23 July 2003”, 1 March 2004 (“*Amicus* Bosnia Self-Defence Submissions”).

NOTING that, on the basis of indications from the Accused, the Kosovo part of the Defence case is near completion,⁵ and that it would be appropriate for the *Amicus* to commence work on this matter now, so as to enable him to conclude such work at an appropriate time to be ordered by the Trial Chamber closer to the conclusion of the trial,

PURSUANT TO Rules 54 and 74 of the Rules of Procedure and Evidence of the International Tribunal;

HEREBY ORDERS AS FOLLOWS:

1. The *Amicus* is requested to make such preparations as are necessary to file written submissions on self-defence arising in the Defence case, on the same basis as the *Amicus* Kosovo Self-Defence Submissions, the *Amicus* Croatia Self-Defence Submissions, and the *Amicus* Bosnia Self-Defence Submissions, which were based on evidence adduced during the Prosecution case.
2. Such submissions shall be filed by dates to be determined by the Trial Chamber in subsequent orders.

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



Judge Robinson
Presiding

Dated this first day of July 2005
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ See *Milošević*, Transcript of Status Conference, T. 38478–38479 (14 April 2005) (the Accused noting that he expected to use between one-third and one-half of his allotted time for presentation of the Kosovo part of his case); *Milošević*, “Third Order on the Use of Time in the Defence Case and Decision on Prosecution’s Further Submissions on the Recording and Use of Time During the Defence Case”, 19 May 2005, p. 4 (noting that as of the conclusion of court on 18 May 2005, the Accused had used 140 hours 44 minutes, or 39.09%, of the 360 hours allotted to him).