



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-A
Date: 11 June 2008
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision of: 11 June 2008

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

PUBLIC

DECISION ON *AMICUS CURIAE* MOTION FOR GUIDANCE

The Office of the Prosecutor:

Mr. Peter Kremer

The Accused

Momčilo Krajišnik

Amicus Curiae

Mr. Colin Nicholls

I, THEODOR MERON, Judge of 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 (“Appeals Chamber”) and Pre-Appeal Judge in the present case,

NOTING the request for guidance by *amicus curiae* as to how he should respond to a request by Momčilo Krajišnik for a meeting at the UNDU;¹

NOTING that Mr. Krajišnik asked the Registry to arrange a meeting between him and *amicus curiae* for the purpose of discussing one of *amicus curiae*’s submissions;²

NOTING that the Registry in turn informed *amicus curiae* of Mr. Krajišnik’s request;³

NOTING that the Prosecution informed Chambers through an informal communication that it does not intend to respond to the Motion;

RECALLING that “the Appeals Chamber invite[d] the participation of a particular *amicus curiae* to assist the Appeals Chamber by arguing in favour of Mr. Krajišnik’s interests”;⁴

RECALLING that the Appeals Chamber made explicit that “*amicus curiae* is not a party to the proceedings”⁵ and that “[a]*micus curiae* is to work independently from Mr. Krajišnik”;⁶

CONSIDERING that a meeting between Mr. Krajišnik and *amicus curiae* about an issue within the purview of *amicus curiae*’s assignment would violate both the terms and spirit of *amicus curiae*’s appointment;

HEREBY CLARIFIES that *amicus curiae* remains under an obligation to work independently from Mr. Krajišnik and that the meeting sought by Mr. Krajišnik would consequently be inappropriate.

¹ “Amicus Curiae Motion Regarding Request for UNDU Visit by Mr Krajisnik [*sic*]” (Public with Confidential Annex), 6 June 2008 (“Motion”).

² Motion, para. 1.

³ Motion, para. 1.

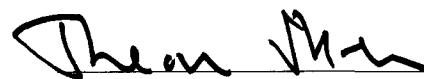
⁴ Decision on Momčilo Krajišnik’s Request to Self-Represent, on Counsel’s Motions in Relation to Appointment of *Amicus Curiae*, and on the Prosecution Motion of 16 February 2007, 11 May 2007 (“Decision of 11 May 2007”), para. 19.

⁵ Decision of 11 May 2007, para. 20.

⁶ Decision of 11 May 2007, para. 19.

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

Dated this 11th day of June 2008,
At The Hague, The Netherlands.



Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]