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BLAŠKIĆ CASE: **SUBPOENA HEARING ON WEDNESDAY 16 APRIL 1997**

On 16 April 1997 at 10.00 a.m., Trial Chamber II, composed of Judges McDonald (presiding), Odio-Benito and Jan, will hold a hearing concerning the subpoena issue raised during the proceedings in the Blaškić case.

The purpose of the hearing

The purpose of this hearing is to discuss several theoretical questions of principle concerning the issuance of subpoenae by the Tribunal.

The following issues, as set out in the Order issued by Judge McDonald on 7 March, will be discussed:

- the power of a Judge or Trial Chamber of the International Tribunal to issue a *subpoena duces tecum* to a sovereign State;
- the power of a Judge or Trial Chamber to make a request or issue a *subpoena duces tecum* to a high government official of a State;
- the appropriate remedies to be taken if there is non-compliance with a *subpoena duces tecum* or request issued by a Judge or a Trial Chamber.

The parties

The following parties may appear before the Chamber and present oral arguments:

- the Defence of General Blaškić;
- the Prosecution;
- the recipients of the *Subpoena duces tecum* issued by Judge McDonald on 15 January 1997 at the request of the Prosecutor:
 - the Republic of Bosnia and Herzegovina, and the Federal Defence Minister as the successor of the Custodian of the Records of the Central Archive of what was formerly the Ministry of Defence of the Croatian Community of Herceg Bosna;
 - the Republic of Croatia, and the Defence Minister;
- persons or organisations who have been granted leave to appear as *amicus curiae*.

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Background on *amicus curiae*

- Pursuant to Rule 74 of the Tribunal's Rules of Procedure and Evidence: *"A Chamber may, if it considers it desirable for the proper determination of a case, invite or grant leave to a State, organisation or person to appear before it and make submissions on any issue specified by the Chamber"*.

States, organisations or persons interested in submitting an *amicus* brief or to appear as *amicus curiae* must file an application specifying, among others, *"the applicant's qualifications"* and *"the applicant's reason for believing his submission will aid in the proper determination of the case or issue"*. *Amicus* submissions are limited to questions of law.

The Chamber decides at its sole discretion to grant leave to submit such briefs and may invite *amici* to participate in oral arguments.

- **The following persons or organisations have filed motions and have been granted on Friday 11 April 1997 leave to file an *amicus* brief or to appear as *amicus curiae*:**

1. Professor Ruth Wedgwood, Yale Law School, United States of America;
2. Professor Peter Malanczuk, University of Amsterdam, the Netherlands;
3. Max-Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany;
4. Professor Alain Pellet, University of Paris X- Nanterre, France, on his personal behalf and on behalf of "Juristes sans frontières";
5. Professor Marie-José Domestici-Met, University of Aix-Marseille, France;
6. Professor Luigi Condorelli, University of Genève, Switzerland;
7. Mr. Donald Donovan, Lawyers Committee for Human Rights, United States of America;
8. Professor Bartram S. Brown, Chicago-Kent College of Law, United States of America;
9. Professors Annalisa Ciampi and Giorgio Gaja, University of Florence, Italy;
10. Thomas S. Warrick, counsel for the Coalition for International Justice, Rochelle E. Stern, attorney, and Stefan Lupp, attorney, United States of America;
11. Professor Juan Antonio Carrillo Salcedo, University of Sevilla, Spain.

- The above mentioned seven first persons or organisations have additionally been granted leave *"to attend the hearing in order to respond to questions from the Judges of the Trial Chamber and to provide any further assistance the Trial Chamber may require"*.

- Two more applications are pending.
