



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: 14 May 2002  
Original: English

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 14 May 2002

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**DECISION ON PROSECUTION MOTION FOR VARIATION  
OF AN ORDER OF THE TRIAL CHAMBER**

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**The Office of the Prosecutor**

Mr. Geoffrey Nice  
Mr. Dirk Ryneveld  
Ms. Hildegaard Uertz-Retzlaff  
Mr. Dermot Groome

**The Accused**

Slobodan Milošević

**Amici Curiae**

Mr. Steven Kay  
Mr. Branislav Tapušković  
Mr. Michail Wladimiroff

**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 the “Prosecution’s Motion for Variation of an Order of the Trial Chamber”, filed by the Office of the Prosecutor (“Prosecution”) on 22 April 2002 (“the Motion”), in which the Prosecution seeks an order that the cross-examination of witnesses on matters of fact by the *amici curiae* be curtailed and only allowed in exceptional circumstances to be determined on a case by case basis, on the grounds that:

- (a) the accused adequately cross-examines such witnesses, taking up approximately 50% of court time;
- (b) further cross-examination by the *amici curiae*, said to take up approximately 5% of court time, does not materially assist the Trial Chamber and does not improve the fairness of the trial in this respect; and
- (c) the interests of all parties in a fair and expeditious trial militates in favour of the restriction of cross-examination by the *amici curiae*,

**NOTING** the “Response by the Amici Curiae to Prosecution’s Motion for Variation of an Order of the Trial Chamber”, filed by the *amici curiae* on 26 April 2002, in which the *amici curiae* submit that;

- (a) they have been appointed, *inter alia*, to conduct cross-examination of witnesses as appropriate;
- (b) the Prosecution has not shown failings by the Trial Chamber in the discharge of its obligation to control the cross-examination of witnesses by the *amici curiae*; and
- (c) the issue of cross-examination of witnesses should be dealt with by the Chamber on a witness by witness basis unless the Chamber wishes to review the overall scope and role of the *amici curiae*,

**NOTING** the “Order Inviting Designation of *Amici Curiae*” issued by the Trial Chamber on 30 August 2001, in which the Trial Chamber specifies the kind of assistance it seeks from the *amici curiae*, which includes “cross-examining witnesses as appropriate”,

**CONSIDERING** the obligation on the Trial Chamber to ensure a fair and expeditious trial,

**CONSIDERING** that the *amici curiae* have limited their cross-examination of witnesses to what is appropriate and that the Trial Chamber considers the cross-examination so undertaken to have been of assistance to the Trial Chamber in ensuring the fairness of the proceedings and in particular in ensuring that witness testimony is properly tested,

**CONSIDERING** that the Trial Chamber has controlled cross-examination by the *amici curiae* as appropriate,

**CONSIDERING FURTHER** that whilst cross-examination by the *amici curiae* has and will inevitably consume some court time, that time has been minimal,

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence of the International Tribunal

**HEREBY DENIES** the Motion.

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



Richard May  
Presiding

Dated this fourteenth day of May 2002  
At The Hague  
The Netherlands

[Seal of the Tribunal]