



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

IT/122

Date: 27 March 1997

ORIGINAL: ENGLISH &  
FRENCH

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INFORMATION CONCERNING  
THE SUBMISSION OF *AMICUS CURIAE* BRIEFS

(IT/122)

## INFORMATION ON THE SUBMISSION OF *AMICUS CURIAE* BRIEFS

March 1997

1. Pursuant to Rule 74 of the ICTY 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”.
2. Requests for leave to file *amicus* briefs may be submitted unsolicited or in response to a general invitation from a Trial Chamber. At its discretion, a Chamber may solicit an *amicus* submission from a particular State, organisation or person. *Amici* may be invited to participate in oral argument at the Chamber’s sole discretion.
3. States, organisations or persons wishing to submit an *amicus* brief, or to appear as *amicus curiae*, must file an application specifying the following:
  - a) the applicant’s name, address, and interest in the case;
  - b) the issue or issues the applicant seeks to address, and the nature of the information or analysis the applicant proposes to submit;
  - c) the applicant’s qualifications;
  - d) whether the applicant makes application for leave to submit an *amicus* brief, or to appear as *amicus curiae*:
    - i) in respect to a general invitation for applications by the Chamber; or
    - ii) at the applicant’s own initiative
  - e) the applicant’s reasons for believing his submission will aid in the proper determination of the case or issue;
  - f) a statement identifying and explaining any contact or relationship the applicant had, or has, with any party to the case.
4. The application is to be sent to the Registry (see Item 5, below) which will then forward the application to the Trial Chamber for decision pursuant to Rule 74 of the Rules of Procedure and Evidence. The application may be accompanied by the written *amicus* brief which the applicant seeks to have the Chamber accept.
5. Applicants should note the following:
  - a) In all cases, *amicus* submissions shall be made in writing. Again, *amici* may be invited to participate in oral argument at the Chamber’s sole discretion.
  - b) In general, *amicus* submissions shall be limited to questions of law, and in any event may not include factual evidence relating to elements of a crime charged;

- c) If the Chamber solicits or invites *amicus curiae* briefs, the Chamber shall give each party the opportunity to oppose the *amicus* submission, and in any event shall retain the power to reject the offered submission;
- d) The Chamber shall determine the timing of *amicus* submissions, and may set page limits on the length of such submissions;
- e) The parties will be given an opportunity to comment on such *amicus* briefs as have been accepted, but amici will not be subject to cross-examination, nor will they be allowed to call witnesses;
- f) In general, *amici curiae* shall bear their own expenses, but the Chamber may authorise the Registry to reimburse the reasonable expenses incurred in connection with participation in the Tribunal's proceedings, if the *amicus* has been specifically invited to apply or to appear by the Chamber.

6. Applications should be addressed to :

*Amicus Curiae* Officer  
Registry  
International Criminal Tribunal for the former Yugoslavia  
Churchillplein 1  
2517 JW, The Hague  
The Netherlands

Applications, **not** including the *amicus* brief itself, may be faxed by the deadline, if any, set by the Chamber to: 31-70-416-5345, to the attention of the *Amicus Curiae* Officer.