



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-95-5/18-PT

Date: 6 July 2009

Original: English

IN THE TRIAL CHAMBER

**Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard**

Registrar: Mr. John Hocking

Decision of: 6 July 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON *AMICUS CURIAE* REQUEST

Applicant

Dr. Christian Vasseur

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

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 (“Tribunal”),

HAVING RECEIVED an unsolicited letter on 15 June 2009 from Dr. Christian Vasseur, a retired psychiatrist, containing a request to appear as an *amicus curiae* in the present case (“Request”), pursuant to Rule 74 of the Rules of Procedure and Evidence (“Rules”);

NOTING that Dr. Vasseur’s letter was conveyed to the Trial Chamber via the Registry, and thus has not been provided to the Office of the Prosecutor or the Accused;

NOTING that Dr. Vasseur petitions the Chamber to allow him to testify as *amicus curiae* concerning the issue of the “relationship between ethnic cleansing in the former Yugoslavia and psychiatric science”;

NOTING that Rule 74 of the Rules provides that: “[a] Chamber may, if it considers it desirable for the proper determination of the 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”;

CONSIDERING that *amicus* submissions are generally made on matters of law;

CONSIDERING that the subject-matter of the proposed *amicus* submission appears to be a matter of fact and expertise, and does not relate to legal matters that are at issue in these proceedings;

CONSIDERING that, at this stage, the Chamber is not in a position to assess whether Dr. Vasseur’s proposed submission is necessary for the determination of any issue at trial;

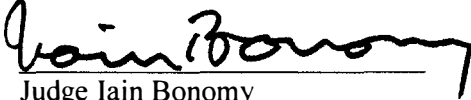
CONSIDERING ALSO that the trial process is largely party-driven and the Chamber will be assisted by submissions on issues of fact and law from the parties, as well as by the evidence brought by them, and that if, at a later stage, the Chamber finds additional evidence to be necessary, it can exercise its powers under Rule 98 of the Rules;

CONSIDERING that it is not established that granting leave to Dr. Vasseur to appear as *amicus curiae* is desirable for the proper determination of the case;

PURSUANT TO Rule 74 of the Rules,

HEREBY DENIES the Request.

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


Judge Iain Bonomy
Presiding

Dated this sixth day of July 2009
At The Hague
The Netherlands

[Seal of the Tribunal]