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FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1. P.O. BOX 13888
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POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1. B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637IT-04-74-T
D53874-Δ53813
28 August 2009**Case No. IT-04-74-T**
Prosecutor v. Jadranko Prlić et al.

PUBLIC

DECISION

THE REGISTRAR,**NOTING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;**NOTING** the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended (“Rules”), and in particular Rule 74 thereof;**NOTING** that on 3 July 2009, the Trial Chamber filed its confidential “Order Appointing an Amicus Curiae” (“3 July 2009 Order”)¹, in which it appointed the Amicus Committee of the Association of Defence Counsel practicing before the Tribunal (“ADC”) as *amicus curiae* and requested that the *amicus curiae* respond to questions listed in the 3 July 2009 Order;**NOTING** further that on 15 July 2009, the Trial Chamber filed its “Order Amending the Appointment of an Amicus Curiae” (“15 July 2009 Order”), in which it authorised “the transfer of the Chamber’s request for an opinion contained in the Order of 3 July 2009 to the Disciplinary Council” of the ADC, and in which it reiterated the questions posed in its 3 July 2009 Order;**CONSIDERING** that on 25 August 2009, the Trial Chamber issued its “Deuxième Ordonnance portant nomination d’un *amicus curiae*” (“25 August 2009 Order”), directing the Registrar to appoint an *amicus curiae* pursuant to Rule 74 of the Rules, directing the *amicus curiae* to respond to the questions posed in the 3 July 2009 Order and in the 15 July 2009 Order and requesting the *amicus curiae* to submit a report to the Chamber at the latest one month after the filing of the 25 August 2009 Order;**CONSIDERING** that although Rule 74 does not stipulate the qualifications that an *amicus curiae* should possess, it is, nonetheless, in the interests of justice to ensure that the *amicus curiae* is a qualified professional who is familiar with the legal and procedural requirements of fulfilling such a mandate before the Tribunal, and has relevant experience;**CONSIDERING** further that it would be consistent with the function and responsibilities of an *amicus curiae* that he/she be bound by the Statute, the Rules, and any other relevant rules, regulations, and orders of the Tribunal;

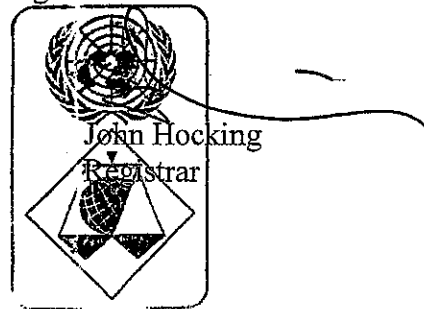
¹ The 3 July 2009 Order was made public by oral decision on 9 July 2009, see T. 42799-427800.
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CONSIDERING that Mr. Giuseppe Battista is a qualified attorney-at-law from Canada and possesses substantial experience of criminal law, procedure and ethics, including relevant experience in similar cases;

CONSIDERING that the Registrar consulted the Trial Chamber as to the suitability of Mr. Battista for an appointment as *amicus curiae*, in accordance with the practice of the Registry and that the Trial Chamber approved the appointment;

HEREBY DECIDES to assign Mr. Battista as *amicus curiae* to respond to the questions posed by the Trial Chamber in the 3 July 2009 Order and in the 15 July 2009 Order and to report to the Chamber at the latest one month after the filing of the 25 August 2009 Order;

HEREBY ORDERS that in the performance of these functions, Mr. Battista shall be bound by the Statute, the Rules and any other applicable rules and regulations and orders, including the Code of Professional Conduct for Counsel Appearing Before the International Tribunal.



Dated this 28th day of August 2009
At The Hague,
The Netherlands.