

**UNITED
NATIONS**



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

IT/122/Rev.1

Date: 16 February 2015

Original: English

**INFORMATION CONCERNING
THE SUBMISSION OF *AMICUS CURIAE* BRIEFS**

(IT/122/Rev.1)

SCOPE AND PURPOSE

1. This Information is intended to assist a State, organisation or person wishing to submit an *amicus curiae* brief or to appear as an *amicus curiae* before the International Criminal Tribunal for the former Yugoslavia (“Tribunal”) pursuant to Rule 74 of the Rules of Procedure and Evidence (“Rules”).
2. This Information does not apply to *amici curiae* appointed under Rule 77 or Rule 91 of the Rules.

APPLICATION FOR LEAVE

3. A State, organisation or person may submit an application for leave to file an *amicus curiae* brief or to appear as *amicus curiae*, unsolicited or in response to an invitation from a Chamber. An invitation by the Chamber may be specific (*i.e.*, directed at an individual State, organisation or person(s)) or general.
4. Unless responding to a specific invitation from a Chamber, a State, organisation or person(s) wishing to submit an *amicus curiae* brief or to appear as *amicus curiae* (“Applicant”) must file an application, in writing, 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 an application for leave to submit an *amicus curiae* brief or to appear as *amicus curiae*;
 - (e) whether the Applicant wishes to make written submissions or to be heard in respect to a general invitation for applications by the Chamber, or at the Applicant’s own initiative;
 - (f) the Applicant’s reasons for believing the Applicant’s submissions will aid in the proper determination of the case or issue; and
 - (g) a statement identifying and explaining any contact or relationship the Applicant had, or has, with any party to the case.

5. The application shall be submitted for filing to the Registry, in accordance with the Directive on Judicial Records (IT/280), and at the following email address: courtassistants@icty.org.

6. Exceptionally, the application may be submitted in hard copy, to the following address:

UN ICTY Registry
Churchillplein 1
2517 JW The Hague
The Netherlands.

DECISION ON *AMICUS CURIAE* APPLICATIONS

7. Upon receipt, the Registry will forward the application to the relevant Chamber for decision pursuant to Rule 74 of the Rules.
8. The Chamber shall decide whether to grant leave to the Applicant. If the Chamber grants leave, it shall determine the timing of any written or oral submissions, and may set word limits on the length of written submissions, as applicable.

***AMICUS CURIAE* SUBMISSIONS**

9. Regardless of whether an *amicus curiae* submission is submitted unsolicited or in response to a general or specific invitation by a Chamber, the following provisions shall apply:
 - (a) In general, *amicus curiae* submissions shall be limited to questions of law, and shall not include factual evidence relating to elements of a crime charged;
 - (b) The Chamber shall give each party the opportunity to comment on the *amicus curiae* submissions, and shall retain the power to reject the offered submissions;
 - (c) *Amici curiae* will not be subject to cross-examination, nor will they be allowed to call witnesses; and
 - (d) *Amici curiae* may be invited to participate in oral argument at the Chamber's sole discretion.

COSTS

10. In general, *amici curiae* shall bear their own expenses. However, if the Chamber specifically invites an *amicus curiae* to make submissions, the Chamber may authorise the Registry to reimburse expenses reasonably incurred in connection with participation in the Tribunal's proceedings.