

COURTSIDE: Milosevic Case

Author: [Mirko Klarin](#)

International legal team appointed to try to ensure even-handed Milosevic trial.

Three amicus curiae, lawyers who would not represent the defendant but would make representations on his behalf, have been appointed to secure a fair trial of former president Slobodan Milosevic, following an August 30 order by the trial chamber hearing the case.

Briton Steven Kay, Dutchman Mischa Wladimiroff and the Belgrade lawyer Branislav Tapuskovic were chosen on the basis of their legal backgrounds to form an international team that will act as a counter-balance to the prosecution.

The registrar was called upon to appoint the team because Milosevic, accused of crimes in Kosovo in 1999, has refused to appoint a defence counsel or be involved in any pre-trial procedures at the tribunal, which he considers an "illegal and false" institution.

All three amicus curiae are well-known criminal lawyers and have represented other tribunal defendants in the past. Wladimiroff was lead defence counsel for Dusko Tadic at the court's first trial (1995-96). At the pre-trial stage, he challenged the legality of the tribunal, prompting the trial chamber and, later, the appeals chamber, to mount a defence of the court.

"I had to reach for that argument," Wladimiroff told the Belgrade newspaper Nasa Borba in December 1996. "If you are founding a tribunal, you have to do it correctly. I think it was a fair objection, regardless of its rejection by the chamber. Irrespective of that, I am a supporter of every international court established in a proper way."

As a member of Wladimiroff's team at the same trial, Steven Kay is best remembered for his efficient cross-examination of witnesses. Tapuskovic was senior defence counsel for Zdravko Mucic, accused of crimes against Bosnian Serb detainees in Celebici camp.

All three will assist the tribunal in the Milosevic case. Their role will include making pre-trial and trial submissions available to the accused; drawing the trial chamber's attention to any exculpatory or mitigating evidence; cross-examining witnesses on Milosevic's behalf, and acting in any other way appropriate to securing a fair trial.

But the judges stressed that the amicus curiae will not represent the accused against his will - only help the tribunal to "properly determine his case".

Mirko Klarin is IWPR senior editor for the war crimes tribunal and editor-in-chief of SENSE News Agency.

Location: [Kosovo](#)

Focus: [International Criminal Tribunal for the former Yugoslavia](#)

Source URL: <https://iwpr.net/global-voices/courtside-milosevic-case>