



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-99-37-PT & IT-01-50-PT

Date: 15 November 2001

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge Mohamed Fassi Fihri

Registrar: Mr. Hans Holthuis

Order of: 15 November 2001

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER

Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Dirk Ryneveld
Ms. Hildegaard Uertz-Retzlaff
Ms. Cristina Romano

Mr. Milbert Shin
Mr. Daniel Saxon
Ms. Julia Baly
Mr. Daryl A. Mundis

The Accused:

Slobodan Milošević

Amicus Curiae:

Mr. Steven Kay
Mr. Branislav Tapušковиć
Mr. Michail Wladimiroff

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 (“International Tribunal”),

NOTING that Article 21 of the Statute of the International Tribunal (“Statute”) sets out certain minimum guarantees to which an accused appearing before the International Tribunal is entitled, including the right to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing, and the right to defend himself in person or through legal assistance of his own choosing,

NOTING that the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal (“Rules of Detention”) provide for all communications with counsel to be privileged,

NOTING that, in a letter from the Registry of the International Tribunal to the accused of 15 October 2001, the accused was advised of his right to receive visits from legal advisors and of the practical requirements of the Registry for designating such advisors,

NOTING that the accused has indicated that he does not intend to appoint counsel and, to date, has not designated any legal advisors,

NOTING, however, that on 26 October 2001 the accused requested the Registry to permit him to meet with Ramsey Clark and John Livingston,

NOTING that both Ramsey Clark and John Livingston meet the requirements of Rule 44 of the Rules of Procedure and Evidence of the International Tribunal for appointment as counsel appearing before the International Tribunal,


CONSIDERING that it would be in the interests of a fair trial for the accused to meet and to be able to communicate freely with such legal advisors,

PURSUANT TO Article 21 of the Statute and Rule 67 of the Rules of Detention

HEREBY ORDERS as follows:

- (1) Ramsey Clark and John Livingston shall be deemed to be legal advisors to the accused and, as such, the Code of Professional Conduct for Defence Counsel Appearing before the International Tribunal applies to them;
- (2) such legal advice shall not be at the expense of the International Tribunal; and
- (3) the accused shall be entitled to communicate fully and without restraint with the two legal advisors in accordance with Rule 67 of the Rules of Detention.

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


Richard May
Presiding

Dated this fifteenth day of November 2001
At The Hague
The Netherlands

[Seal of the Tribunal]