



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-02-54-T

Date: 16 April 2002

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 16 April 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER

Office of the Prosecutor:

Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Hildegaard Uertz-Retzlaff
Mr. Dermot Groome

The Accused:

Slobodan Milošević

Amicus Curiae:

Mr. Steven Kay
Mr. Branislav Tapušković
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"),

BEING SEISED of an oral request made by the accused to permit him to provide to his associates witness statements and other documents disclosed to him by the Office of the Prosecutor ("Prosecution") in order to permit him to prepare adequately for trial,

NOTING that such documents are subject to various Orders of the Trial Chamber imposing obligations of non-disclosure to third parties ("Protected Materials"),

NOTING that the accused, who is defending himself in person, has indicated that he does not intend to appoint counsel and has not designated any legal advisors,

HAVING HEARD oral submissions from the parties, including the accused, on 10 April 2002, during which hearing the accused identified Zdenko Tomanović and Dragoslav Ognjanović as associates with whom he wished to communicate,

CONSIDERING that the accused has the right to adequate facilities for the preparation of his defence,

CONSIDERING that both the Rules of Procedure and Evidence of the International Tribunal ("Rules") and 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") do not provide explicitly for a situation in which an accused is defending himself in person,

CONSIDERING, however, that those Rules may, with appropriate modifications, apply to an accused defending himself in person,

CONSIDERING that it is the duty of the Chamber to ensure that the accused has, subject to reasonable requirements for the protection of victims and witnesses and the Protected Materials, and for security control, adequate facilities for the preparation of his defence,

NOTING that the accused should, in light of his right to adequate facilities for the preparation of his defence, be able to communicate with lawyers,

NOTING that Zdenko Tomanović and Dragoslav Ognjanović are lawyers,

CONSIDERING that it would be in the interests of a fair trial for the accused to meet with and be able to communicate freely with persons for legal advice, and to be able to discuss and supply them with copies of Protected Materials,

PURSUANT TO Article 21 of the Statute,

HEREBY varies its Order of 15 November 2001 as follows:

- (1) Rule 44, as appropriately modified, shall apply to Zdenko Tomanović and Dragoslav Ognjanović as lawyers with whom the accused may communicate for the purpose of preparing his defence; accordingly, they must satisfy the Registrar as to their qualifications under Rule 44 (A) and shall be subject to the Code of Professional Conduct for Defence Counsel Appearing Before the International Tribunal;
- (2) The accused shall be entitled to communicate fully and without restraint with Zdenko Tomanović and Dragoslav Ognjanović in accordance with the provisions of Rule 67 of the Rules of Detention, as appropriately modified; in particular, all correspondence and communications between them and the accused shall be privileged; and
- (3) Zdenko Tomanović and Dragoslav Ognjanović are bound by all existing Orders of the Trial Chamber, including, in particular, all Orders for protective measures.

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


Richard May
Presiding

Dated this sixteenth day of April 2002
At The Hague
The Netherlands

[Seal of the Tribunal]