



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: 23 October 2003

Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 23 October 2003

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**ORDER APPOINTING BRANKO RAKIĆ
AS LEGAL ASSOCIATE TO THE ACCUSED**

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 a written request made by the Accused to the Registrar “that Dr. Branko Rakić...be enabled to communicate with me in the same way as Messrs Tomanović and Ognjenović can”, filed on 21 October 2003,

NOTING that the Accused is defending himself in person and has declined to appoint defence counsel to assist him,

NOTING the “Order” of the Trial Chamber on 16 April 2002, varying a prior “Order” of 15 November 2001, appointing Zdenko Tomanović and Dragoslav Ognjanović (“the current Associates”) as legal associates to the Accused pursuant to Rule 44, as appropriately modified, by which the Accused was permitted to communicate fully and without restraint with the current Associates and on the basis that they be bound by all existing Orders of the Trial Chamber, in particular Orders for protective measures,

CONSIDERING the “Order Concerning the Preparation and Presentation of the Defence Case” issued on 17 September 2003, in which the Trial Chamber stated that “in order to properly prepare and present his case, the Accused must be provided with facilities in a privileged setting¹ to confer with witnesses and others and work with documents and material relevant to his defence, logistical support with regard to witnesses and facilities to prepare for the presentation of his case”,

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 circumstances in which an accused is defending himself in person,

¹ The nature of the privileged setting is that to be found in Rule 67 of the “Rules of Detention”, IT/38/Rev.8, 22 November 1999: “Interviews with legal counsel and interpreters shall be conducted in the sight but not within the hearing, either direct or indirect, of the staff of the detention unit.”

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

NOTING that Dr. Branko Rakić is a lawyer and senior lecturer in law at the University of Belgrade, Faculty of Law,


CONSIDERING that it would be in the interests of a fair trial for the Accused to extend the Trial Chamber's prior Order of 16 April 2002, to enable the Accused to communicate freely with Dr. Rakić for legal advice, and to be able to discuss and supply him with copies of protected materials under the same conditions as apply to the current associates,

PURSUANT TO Article 21 of the Statute and Rule 54 of the Rules,

HEREBY ORDERS as follows:

- (1) Rule 44, as appropriately modified, shall apply to Dr. Branko Rakić as a lawyer with whom the Accused may communicate for the purpose of preparing his defence; accordingly, he must satisfy the Registrar as to his 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 Dr. Branko Rakić in accordance with the provisions of Rule 67 of the Rules of Detention, as appropriately modified; in particular, all correspondence and communications between him and the Accused shall be privileged within the meaning of Rule 67 of the Rules of Detention; and
- (3) Dr. Branko Rakić is 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 twenty-third day of October 2003
At The Hague
The Netherlands

[Seal of the Tribunal]