



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: 27 February 2006

Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Iain Bonomy

**Registrar:** Mr. Hans Holthuis

**Order of:** 27 February 2006

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**PRELIMINARY ORDER ON ASSIGNED COUNSEL REQUEST FOR A  
*SUBPŒNA AD TESTIFICANDUM* TO BE ISSUED TO MR. WILLIAM CLINTON**

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**Office of the Prosecutor**

Ms. Carla Del Ponte  
Mr. Geoffrey Nice

**Government of the United States of America**

Mr. Clifton Johnson  
Mr. William Clinton

**The Accused**

Mr. Slobodan Milošević

**Court Assigned Counsel**

Mr. Steven Kay  
Ms. Gillian Higgins

**Amicus Curiae**

Prof. Timothy McCormack

**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 (“Tribunal”),

**BEING SEIZED** of the “Assigned Counsel Request for a *Subpoena Ad Testificandum* to be issued to Mr. William Clinton pursuant to Rule 54 and Attachments A and B”, filed confidentially and *ex parte* on 22 February 2006 (“Request”, “Attachment A”, and “Attachment B” respectively);

**CONSIDERING** that the Accused has referred to this Request in open session;

**CONSIDERING FURTHER** that Assigned Counsel have indicated in the Request that they “have no objection to the lifting of confidentiality in respect of this matter, save for the correspondence in Attachment A which has been exchanged on confidential terms between the parties”;<sup>1</sup>

**CONSIDERING** that it is appropriate to lift the confidentiality and *ex parte* status of the Request, so that the Prosecution may have the opportunity to respond;

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence of the Tribunal (“Rules”);

**HEREBY ORDERS AS FOLLOWS:**

1. The status of the Request and Attachment B shall be changed from confidential and *ex parte* to public;
2. Attachment A shall remain confidential and *ex parte*; and
3. Any response to the Request shall be filed by Wednesday, 8 March 2006.

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



Patrick Robinson  
Presiding

Dated this twenty-seventh day of February 2006  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

<sup>1</sup> Request, para. 23.