



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: 2 March 2006

Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 2 March 2006

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER ON MOTION OF UNITED STATES FOR EXTENSION OF TIME

Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice

Government of the United States of America

Mr. Clifton M. Johnson
Ms. Heather A. Schildge

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”) is seized of a “Request of the United States of America for an Extension of the March 8 Deadline Set by the Trial Chamber in its ‘Preliminary Order on Assigned Counsel Request for a *Subpoena ad Testificandum* to be Issued to Mr. William Clinton’ Dated 27 February 2006” and hereby renders its decision thereon.

1. On 22 February 2006 the Assigned Counsel filed a request for a subpoena *ad testificandum* to be issued to Mr. William Clinton (“Clinton Subpoena Request” or “Request”).¹ The Request was originally filed on a confidential and *ex parte* basis, but (with the exception of Attachment A to the Request) was made public on 27 February 2006.
2. That same day, the Accused requested that the Chamber issue a decision on the Clinton Subpoena Request, as well as a decision on another request seeking to recall former General Wesley Clark to testify, as soon as possible because these decisions were important to the Accused “for planning purposes.”² The Trial Chamber sought to accommodate the Accused’s concerns by indicating that the Chamber would issue a decision on both requests by 10 March 2006.³ To make this possible, the Trial Chamber issued a written order requiring that any response to the Clinton Subpoena Request be filed by 8 March 2006.⁴
3. On 1 March 2006 the government of the United States (“United States”) filed a motion seeking that the Trial Chamber extend by two days the time in which it may respond to the Clinton Subpoena Request, so that the response would be due on 10 March 2006 (“Motion”).⁵
4. The United States argues that an extension of time is warranted because (a) the Request was unexpected, given that the United States “had made substantial efforts to work cooperatively with Assigned Counsel to provide senior former government officials for interviews”,⁶ and (b) the Request, in seeking that a subpoena be issued against a former head of state, “directly

¹ Assigned Counsel Request for a *Subpoena Ad Testificandum* to be issued to Mr. William Clinton pursuant to Rule 54, and Attachments A and B, 22 February 2006.

² T. 48949 (27 February 2006).

³ *Id.*

⁴ Preliminary Order on Assigned Counsel Request for a *Subpoena Ad Testificandum* to be Issued to Mr. William Clinton, 27 February 2006.

⁵ Request of the United States of America for an Extension of the March 8 Deadline Set by the Trial Chamber in its ‘Preliminary Order on Assigned Counsel Request for a *Subpoena ad Testificandum* to be Issued to Mr. William Clinton’ Dated 27 February 2006, 1 March 2006.

⁶ Motion, para. 3.

implicate[s] a number of policy concerns and legal issues” and requires “significant work as well as extensive coordination” which “will be extremely difficult to accomplish within the short timeframe” that has been imposed.⁷ The United States also states that it has consulted Assigned Counsel and that the latter has “indicated that he does not object” to the proposed two-day extension.⁸

5. Under Rule 127 of the Rules of Procedure and Evidence, a time limit may be varied on a showing of “good cause.” The Chamber considers that, given the modest (two-day) extension requested, the extent of the work involved in responding to the Clinton Subpoena Request, and the absence of any objection by Assigned Counsel to the requested extension, good cause exists for the extension of time sought in the United States’ Motion.
6. The Trial Chamber therefore GRANTS the Motion and, pursuant to Rules 54 and 127, ORDERS the United States to file its response to the Clinton Subpoena Request on or before 10 March 2006.

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



Patrick Robinson
Presiding

Dated this second day of March 2006
At The Hague
The Netherlands

[Seal of the Tribunal]

⁷ *Id.* at para. 4.

⁸ *Id.* at para. 5.