

UNITED NATIONS



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: 18 May 2006

Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President

Registrar: Mr. Hans Holthuis

Order of: 18 May 2006

THE PROSECUTOR

v.

Slobodan MILOŠEVIĆ

ORDER ASSIGNING A CASE TO A TRIAL CHAMBER

Office of the Prosecutor:

Ms. Carla Del Ponte

Former Court Assigned Counsel:

Mr. Steven Kay

Ms. Gillian Higgins

I, FAUSTO POCAR, President 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 the “Request to the President of the International Tribunal to Assign a Trial Chamber Pursuant to Rule 19 of the Rules of Procedure and Evidence to Consider ‘Assigned Counsel Motion to Lift the Confidential Status of all Pleadings and Medical Reports Relating to (i) the Assigned Counsel Request for Provisional Release, and (ii) the Litigation Arising from the Medical Treatment of Mr. Slobodan Milošević in the United Nations Detention Unit’ and Confidential Annex 1”, filed on 13 April 2006 by former Court Assigned Counsel in this case (“Request”);

RECALLING that on 17 March 2006, former Court Assigned Counsel filed their “Assigned Counsel Motion to Lift the Confidential Status of all Pleadings and Medical Reports Relating to (i) the Assigned Counsel Request for Provisional Release, and (ii) the Litigation Arising from the Medical Treatment of Mr. Slobodan Milošević in the United Nations Detention Unit and Confidential Annexes A and B” (“Motion”) before Trial Chamber I, which had been assigned to consider the issue of varying or lifting the protective measures on confidential materials filed in this case for purposes of assisting the inquest by the authorities of The Netherlands and the internal inquiry of the International Tribunal into the death of Slobodan Milošević;¹

RECALLING the “Decision on Submission of Former Court-Assigned Counsel” issued on 6 April 2006 by Trial Chamber I dismissing the Motion for lack of jurisdiction;

RECALLING the “Assigned Counsel Appeal Against the ‘Decision on Submission of Former Court-Assigned Counsel’ Filed on 6 April 2006 and Confidential Annex 1” filed by former Court Assigned Counsel before the Appeals Chamber on 13 April 2006 (“Appeal”);

RECALLING the “Decision on Request to the President to Assign a Trial Chamber” rendered on 25 April 2006 in which I stayed the Request until the Appeals Chamber had issued its decision on the Appeal;

¹ Order Assigning a Trial Chamber to Consider Granting Access to Confidential Materials in a Case, 14 March 2006.

NOTING the “Decision on ‘Assigned Counsel Appeal Against the “Decision on Submission of Former Court-Assigned Counsel” Filed on 6 April 2006 and Confidential Annex 1’” rendered on 12 May 2006 in which the Appeals Chamber found that it lacked jurisdiction to consider the Appeal;

RECALLING the “Order Terminating the Proceedings,” issued by Trial Chamber III on 14 March 2006, terminating all trial proceedings in *Prosecutor v. Milošević*, Case No. IT-02-54-T, due to the death of Slobodan Milošević;

NOTING that Rule 19 of the Rules of Procedure and Evidence of the International Tribunal authorizes the President to coordinate the work of the Chambers;

CONSIDERING the trial management and case distribution needs of the International Tribunal;

HEREBY ASSIGN, effective immediately, Trial Chamber III to consider the Motion filed by former Court Assigned Counsel in the *Milošević* case on 17 March 2006 for purposes of determining whether there is any reason in the interests of justice for lifting the confidentiality of the pleadings and medical records referred to in the Request.

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

Done this 18th day of May 2006,
At The Hague,
The Netherlands.

Judge Fausto Pocar
President

[Seal of the International Tribunal]