



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: 1 June 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: 1 June 2006

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON ASSIGNED COUNSEL'S MOTION TO LIFT CONFIDENTIALITY
OF CERTAIN PLEADINGS AND MEDICAL REPORTS**

Office of the Prosecutor

Ms. Carla Del Ponte

Former 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, pursuant to an Order of the President,¹ of an “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”, filed by Mr. Steven Kay and Ms. Gillian Higgins (“Former Assigned Counsel”) on 17 March 2006 (“Motion”);

NOTING that the President’s Order assigned the Motion to this Trial Chamber “for the 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”;

NOTING that the Motion asserts that it was filed “pursuant to the wishes of Mr. Slobodan Milošević, expressed prior to his death to the Assigned Counsel, and the wishes of his son, Marko Milošević, as expressed to Assigned Counsel on Wednesday 15 March 2006”;²

NOTING that, in the Motion, Former Assigned Counsel submit that “there are no concerns that would justify the continued confidential status of the documentation in this matter” and therefore request “the immediate lifting of the confidential status of all documents, filings, medical reports, conclusions, internal memoranda and treatment plans as reflected in the confidential Annexes” to the Motion;³

NOTING the release of the “Report to the President: Death of Slobodan Milošević”, issued on 30 May 2006 (“Report”);

CONSIDERING the submissions of Former Assigned Counsel concerning the wishes of Slobodan Milošević and his son, Marko Milošević;

¹ *Prosecutor v. Milošević*, Case No. IT-02-54-T, Order Assigning a Case to a Trial Chamber, 18 May 2006 (“President’s Order”). *See also Milošević*, Case No. IT-02-54-T, Corrigendum, 18 May 2006 (clarifying that the motion in question is assigned to “Trial Chamber III as originally composed in this case—Judge Patrick Robinson, Judge O-Gon Kwon, [and] Judge Ia[i]n Bonomy”).

² Motion, para. 2.

³ Motion, paras. 4, 6.

CONSIDERING that the Report contains detailed reference to many of the confidential pleadings and medical reports for which Former Assigned Counsel seek release;


CONSIDERING the interest of the public in the terms of the Report and the confidential material referred to therein;

CONSIDERING THEREFORE that it is in the interests of justice to lift the confidentiality of the pleadings and medical records referred to in the Motion;

PURSUANT TO Rules 54 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY GRANTS THE MOTION.

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



Judge Robinson
Presiding

Dated this first day of June 2006
At The Hague
The Netherlands

[Seal of the Tribunal]