



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-95-8-T  
Date: 3 October 2002  
Original: English  
French

**THE PRESIDENT OF THE TRIBUNAL**

**Before:** Judge Claude Jorda, President of the Tribunal  
**Registrar:** Mr Hans Holthuis  
**Decision of:** 3 October 2002

**THE PROSECUTOR**

v.

**DUŠKO SIKIRICA  
DAMIR DOŠEN  
DRAGAN KOLUNDŽIJA**

**ORDER OF THE PRESIDENT ON THE PROSECUTION REQUEST  
FOR VARIATION OF THE PROTECTIVE MEASURES  
IN THE CASE *THE PROSECUTOR v. DUŠKO SIKIRICA,  
DAMIR DOŠEN AND DRAGAN KOLUNDŽIJA***

**The Office of the Prosecutor:**

Mr Dirk Ryneveld in the case *The Prosecutor v. D. Sikirica et al.*  
Mr Geoffrey Nice, Mr Dirk Ryneveld, Mrs Hildegard Uertz-Retzlaff, Mr Dermot  
Groome in the case *The Prosecutor v. S. Milošević*

**Defence Counsel:**

Mr V. Londrović for the Accused D. Sikirica; Mr V. Petrović for the Accused D. Došen;  
Mr D. Vučićević for the Accused D. Kolundžija in the case *the Prosecutor v. D. Sikirica  
et al.*

The Accused, S. Milošević; the *Amici Curiae*, Mr S. Kay, Mr B. Tapušковиć, Mr M.  
Wladimiroff; and the appointed counsel, Mr Z. Tomanović and Mr D. Ognjanović, in  
the case *The Prosecutor v. S. Milošević*



I, Claude Jorda, 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 (hereinafter "the International Tribunal"),

**NOTING** the Order for Protective Measures of 19 October 1999, the Order of 29 June 2000, the Order on Prosecution's Motion for Protective Measures of 10 July 2000, the Order of 2 August 2000 and the Order for Protective Measures of 22 December 2000 rendered by the Trial Chamber in the case *The Prosecutor v. Sikirica et al.* (hereinafter "the Orders");

**NOTING** the decision rendered by the Trial Chamber in the case *The Prosecutor v. Slobodan Milošević* on 19 February 2002;

**NOTING** the Prosecutor's Request pursuant to Rule 75(D) for Variation of Protective Measures (hereinafter "the Prosecutor's Request") filed on 14 May 2002 seeking the amendment of the above Orders;

**NOTING** the response to the Prosecutor's Request filed on 16 May 2002 by Counsel for Duško Sikirica;

**CONSIDERING** that the Chamber which ordered the protective measures in the case *The Prosecutor v. Duško Sikirica et al.* can no longer be constituted by the same Judges;

**CONSIDERING** that, within the terms of Rule 75(F)(ii) of the current Rules of Procedure and Evidence, a party to the second proceedings seeking to rescind, vary or augment protective measures ordered in the first proceedings must apply to the Chamber seized of the second proceedings if no Chamber remains seized of the first proceedings;

**CONSIDERING** that the Prosecutor's Request should be referred to the Trial Chamber seized of the second proceedings, that is, the Chamber seized of the case *The Prosecutor v. Slobodan Milošević*, since that Chamber is in a better position to evaluate and rule on the Prosecutor's Request;

**CONSIDERING** that, for the purposes of the proper administration of justice, the aforesaid Rule 75(F)(ii) should therefore be applied in this case;

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**FOR THE FOREGOING REASONS,**

**REFER** the Prosecutor's Request to the Chamber seized of the case *The Prosecutor v. Slobodan Milošević*.

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

Done this third day of October 2002

At The Hague  
The Netherlands

(signed)

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Claude Jorda  
President

[Seal of the Tribunal]

