



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-96-19-Misc. 1  
Date: 28 February 1996  
Original: ENGLISH AND  
FRENCH

**IN THE TRIAL CHAMBER**

**Before:** Judge Jorda, Presiding  
Judge Odio Benito  
Judge Riad

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Order of:** 28 February 1996

**MOTION ON BEHALF OF GENERAL DJORDE DJUKIC**

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**DECISION**

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**The Office of the Prosecutor:**  
Mr. Richard Goldstone  
Mr. Graham Blewitt

**Counsel for the Applicant:**  
Mr. Milan Vujin  
Mr. Toma Fila

**Amicus Curiae**  
Mrs. Vidović, representative of Bosnia-Herzegovina

**TRIAL CHAMBER I**

**Noting** that the request presented by Mr. Vujin, Counsel for General Djordje Djukić, on 26 February 1996 intended to secure the immediate release of General Djukić;

**Noting** that Rule 90 *bis* of the Rules of Procedure and Evidence (“Rules”);

**Considering** that on 12 February 1996, Judge Stephen ordered the transfer of General Djukić pursuant to Rules 54, 56, and 90 *bis* of the Rules;

**Considering** that on the same day, Judge Stephen, pursuant to Rules 54 and 90 *bis* of the Rules, also ordered the provisional detention of General Djukić at the United Nations Detention Facility in The Hague, The Netherlands, until Sunday 17 March 1996 at the latest;

**Whereas** by the amended order of 24 February 1996, Judge Stephen, at the request of the Prosecutor, reset the date at 5 March 1996;

**Whereas** pursuant to Rule 90 *bis*, the transfer of a detained witness is subject to the condition that such transfer does not extend the period of his detention as foreseen by the requested State;

**Whereas** during the hearing, the Counsel for General Djukić considered that the release of General Djukić should occur, at the latest, by 29 February 1996 by stating that the decision of 7 February of the High Court in Sarajevo which authorised the detention for one month starting from 4 February 1996 was both illicit and misfounded;

**Whereas** the Tribunal, pursuant to its Statute and Rules, is not competent to rule on the legality of a decision taken by a national court;

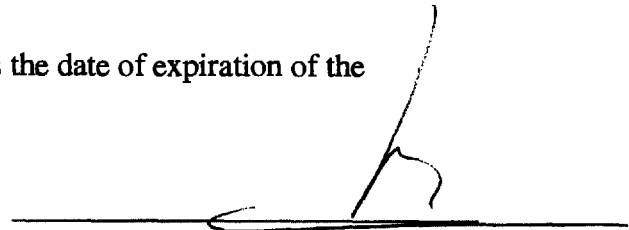
**Whereas** it should be noted that during the hearing, all the parties agreed to consider that the date of 4 March was the date of expiration of the detention ;

**Whereas** the date most favourable to the witness, that is, 4 March 1996, at 00:00 hours should be retained;

**FOR THESE REASONS,**

**DISMISSES** the request of General Djukić to set the date of 29 February 1996 as the date of expiration of his detention at the United Nations Detention Facility at The Hague;

**SETS** the date of 4 March 1996 at 00:00 hours as the date of expiration of the detention of General Djukić.



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Claude Jorda  
Presiding Judge of Trial Chamber I

So ordered, this twenty-eighth day of February 1996  
The Hague  
The Netherlands

