



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-05-87-T  
IT-02-54-T  
Date: 31 August 2006  
Original: English

**IN TRIAL CHAMBER III**

**Before:** Judge Iain Bonomy, Presiding  
Judge Ali Nawaz Chowhan  
Judge Tsvetana Kamenova  
Judge Janet Nosworthy, Reserve Judge

**Registrar:** Mr. Hans Holthuis

**Order of:** 31 August 2006

**PROSECUTOR**

v.

**MILAN MILUTINOVIĆ  
NIKOLA ŠAINOVIĆ  
DRAGOLJUB OJDANIĆ  
NEBOJŠA PAVKOVIĆ  
VLADIMIR LAZAREVIĆ  
SRETEN LUKIĆ**

**ORDER ON RESCISSION OF PROTECTIVE MEASURES  
IN RELATION TO WITNESS DREN CAKA**

**Office of the Prosecutor**

Mr. Thomas Hannis  
Mr. Chester Stamp  
Ms. Christina Moeller  
Ms. Patricia Fikirini  
Mr. Mathias Marcussen

**Counsel for the Accused**

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović  
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović  
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić  
Mr. John Ackerman and Mr. Aleksander Aleksić for Mr. Nebojša Pavković  
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević  
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

**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”), was seised of the Prosecution’s oral application, which was made during the hearing held on 31 August 2006 (“Motion”), for the rescission pursuant to Rule 75(G) of the Rules of Procedure and Evidence of the protective measures granted to witness Dren Caka.

1. The Prosecution informed the Chamber that the witness no longer desired the protective measures that had been granted to him during a prior proceeding before the Tribunal (“first proceedings”),<sup>1</sup> and that he now desired to testify in this trial (“second proceedings”) without any protective measures. There was no objection on the part of the Defence to the Motion.

2. The Chamber notes the following relevant provisions of Rule 75:

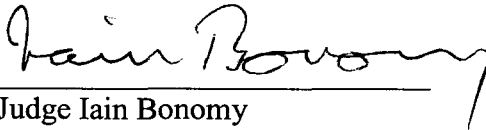
- (F) Once protective measures have been ordered in respect of a victim or witness in any proceedings before the Tribunal (the “first proceedings”), such protective measures:
  - (i) shall continue to have effect *mutatis mutandis* in any other proceedings before the Tribunal (the “second proceedings”) unless and until they are rescinded, varied or augmented in accordance with the procedure set out in this Rule; but
  - (ii) shall not prevent the Prosecutor from discharging any disclosure obligation under the Rules in the second proceedings, provided that the Prosecutor notifies the Defence to whom the disclosure is being made of the nature of the protective measures ordered in the first proceedings.
- (G) A party to the second proceedings seeking to rescind, vary or augment protective measures ordered in the first proceedings must apply:
  - (i) to any Chamber, however constituted, remaining seised of the first proceedings; or
  - (ii) if no Chamber remains seised of the first proceedings, to the Chamber seised of the second proceedings.

3. The Chamber considers that Rule 75(G)(ii) applies in the present case and recalls that it orally granted the Motion during the hearing. Pursuant to Rules 54 and 75, the Chamber hereby **CONFIRMS** its oral ruling, **RESCINDS** the protective measures in relation to this witness in both the first and the second proceedings, and **INSTRUCTS** the Registry to take all necessary measures to implement this Order.

---

<sup>1</sup> *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, Decision on Prosecution’s Second Motion for Specific Protective Measures for Individual Witnesses Testifying During the Kosovo Phase of the Trial, 22 March 2002.

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

  
\_\_\_\_\_  
Judge Iain Bony  
Presiding

Dated this thirty-first day of August 2006  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**