

1 AUGUST 1995

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**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**Case No. IT 95-5-I**

**BEFORE A JUDGE OF THE TRIAL CHAMBER**

**Before:** JUDGE C. JORDA

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

**Decision of:** 25 July 1995

**THE PROSECUTOR**

v.

**KARADŽIĆ Radovan**

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**WARRANT OF ARREST  
ORDER FOR SURRENDER**

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**To: The Federal Republic of Yugoslavia - Belgrade**

I, C. JORDA, Judge of the International Criminal Tribunal for the former Yugoslavia,

CONSIDERING United Nations Security Council Resolution 827 of 25 May 1993, and Articles 19(2) and 29 of the Statute, and Rules 54 to 61 of the Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia,

CONSIDERING the indictment submitted by the Prosecutor against KARADŽIĆ Radovan, and confirmed by a Judge of the International Criminal Tribunal for the former Yugoslavia on the 25 day of July 1995, a copy of which is annexed to this warrant of arrest,

HEREBY DIRECT the authorities of the Federal Republic of Yugoslavia in Belgrade to search for, arrest and surrender to the International Criminal Tribunal for the former Yugoslavia:

KARADŽIĆ Radovan, born on 19 June 1945 in the municipality of Savnik of the Republic of Montenegro, and whose last known address or place of domicile or residence is Pale, in the Republic of Bosnia and Herzegovina, who, from on or about 13 May 1992 to the present, has been president of the Bosnian Serb administration in Pale,

Alleged to have committed in the territory of the Republic of Bosnia and Herzegovina, between April 1992 and July 1995: Genocide, Crimes against Humanity, Grave Breaches of the Geneva Conventions 1949 and Violations of the Laws or Customs of War, within the competence of the International Criminal Tribunal for the former Yugoslavia by virtue of Articles 2, 3, 4 and 5 of the Statute.

And to advise the said KARADŽIĆ Radovan at the time of his arrest, and in a language he understands, of his rights as set forth in Article 21 of the Statute and, *mutatis mutandis*, in Rules 42 and 43 of the Rules of Procedure and Evidence which are set out below, and of his right to remain silent, and to caution him that any statement he makes shall be recorded and may be used in evidence. The indictment and review of the indictment (and all other documents annexed to the present warrant) must also be brought to the attention of the accused.

REQUEST THAT the Federal Republic of Yugoslavia in Belgrade, upon the arrest of KARADŽIĆ Radovan, promptly notify the Registrar of the International Criminal Tribunal for the former Yugoslavia, for the purposes of his transfer pursuant to Rule 57 of the Rules of Procedure and Evidence,

REQUEST THAT the Federal Republic of Yugoslavia report forthwith to the Registrar of the International Criminal Tribunal for the former Yugoslavia if it is unable to execute the present warrant of arrest, indicating the reasons for its inability pursuant to Rule 59(A) of the Rules of Procedure and Evidence.

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Judge, Trial Chamber  
International Criminal Tribunal for the former Yugoslavia

Dated this \_\_\_\_ day of \_\_\_\_\_ 1995,  
At The Hague,  
The Netherlands

(Seal of the Tribunal)

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#### Article 21: Rights of the accused

1. All persons shall be equal before the International Tribunal.
2. In the determination of charges against him, the accused shall be entitled to a fair and public hearing, subject to article 22 of the Statute.
3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:
  - (a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
  - (b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
  - (c) to be tried without undue delay;
  - (d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
  - (e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (f) to have the free assistance of an interpreter if he cannot understand or speak the language used in the International Tribunal;
  - (g) not to be compelled to testify against himself or to confess guilt.

#### Rule 42: Rights of Suspects during Investigation

- (A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands:
- (i) the right to be assisted by counsel of his choice or to have legal assistance assigned to him without payment if he does not have sufficient means to pay for it; and
  - (ii) the right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning.
- (B) Questioning of a suspect shall not proceed without the presence of counsel unless the suspect has voluntarily waived his right to counsel. In case of waiver, if the suspect subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the suspect has obtained or has been assigned counsel.

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Rule 43: Recording Questioning of Suspects

Whenever the Prosecutor questions a suspect, the questioning shall be tape-recorded or video-recorded, in accordance with the following procedure:

(i) the suspect shall be informed in a language he speaks and understands that the questioning is being tape-recorded or video-recorded;

(ii) in the event of a break in the course of the questioning, the fact and the time of the break shall be recorded before tape-recording or video-recording ends and the time of resumption of the questioning shall also be recorded;

(iii) at the conclusion of the questioning the suspect shall be offered the opportunity to clarify anything he has said, and to add anything he may wish, and the time of conclusion shall be recorded;

(iv) the tape shall then be transcribed and a copy of the transcript supplied to the suspect, together with a copy of the recorded tape or, if multiple recording apparatus was used, one of the original recorded tapes; and

(v) after a copy has been made, if necessary of the recorded tape for purposes of transcription, the original recorded tape or one of the original tapes shall be sealed in the presence of the suspect under the signature of the Prosecutor and the suspect.

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