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

**Case No. IT-94-2-R61**

**IN THE TRIAL CHAMBER**

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

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

**Order of: 20 October 1995**

**THE PROSECUTOR**

**v.**

**DRAGAN NIKOLIĆ a/k/a "JENKI" NIKOLIĆ**

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**INTERNATIONAL WARRANT OF ARREST  
AND ORDER FOR SURRENDER**

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To: All States

THE TRIAL CHAMBER I of the International Criminal Tribunal for the former Yugoslavia

CONSIDERING United Nations Security Council resolution 827 of 25 May 1993 establishing the International Criminal Tribunal for the former Yugoslavia and Rule 61 of its Rules of Procedure and Evidence,

CONSIDERING the indictment submitted by the Prosecutor against Dragan NIKOLIĆ, confirmed by an Order of Judge Odio Benito on 4 November 1994, copies of which are annexed to this warrant of arrest,

CONSIDERING the Decision of the Trial Chamber of 20 October 1995 following the failure to execute the initial warrant of arrest against Dragan NIKOLIĆ, a copy of which is annexed to this warrant of arrest,

HEREBY DIRECTS all States to search for and promptly arrest and transfer to the International Criminal Tribunal for the former Yugoslavia:

name and first name of accused:	Dragan NIKOLIĆ
aliases:	Jenki
date of birth:	1957, at Vlasenica, Socialist Federal Republic of Yugoslavia
family status:	Unknown

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HEREBY DIRECTS all States to search for and promptly arrest and transfer to the International Criminal Tribunal for the former Yugoslavia:

name and first name of accused:	Dragan NIKOLIĆ
aliases:	Jenki
date of birth:	1957, at Vlasenica, Socialist Federal Republic of Yugoslavia
family status:	Unknown

last known profession: Electrician - Alpro Aluminium Vlasenica  
last known residence: Zarije Sunarica St. - Vlasenica - Republic  
of Bosnia and Herzegovina

Alleged to have committed at the Sušica camp at Vlasenica during 1992  
the following crimes: grave breaches of the fourth Geneva Convention of 12  
August 1949  
violations of laws and customs of war  
crimes against humanity  
within the competence of the International Criminal Tribunal for the former  
Yugoslavia by virtue of Articles 2, 3 and 5 of the Statute,

And to advise the said Dragan NIKOLIĆ, 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 of the  
International Criminal Tribunal for the former Yugoslavia which are set out below,  
and of his right to remain silent, and to caution him that any statements he makes shall  
be recorded and may be used in evidence. The indictment and the review of the  
indictment (all documents being annexed to the present warrant) must also be brought  
to the attention of the accused,

REQUESTS THAT all States, upon the arrest of Dragan NIKOLIĆ, promptly notify  
the Registrar of the International Criminal Tribunal for the former Yugoslavia, for the  
purposes of his transfer.

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Claude Jorda.  
Presiding Judge

20 October 1995  
The Hague  
The Netherlands

Seal of the Tribunal

Article 21Rights 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 42Rights 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.

Rule 43Recording 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.