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

Case No. IT-95-13-I

IN THE TRIAL CHAMBER

Before: Judge Fouad Riad

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

Order of: 7 November 1995

THE PROSECUTOR

v.

RADIĆ Miroslav

**WARRANT OF ARREST
ORDER FOR SURRENDER**

To: The Government of the Federal Republic of Yugoslavia - Belgrade

I, Fouad Riad, Judge at the International Criminal Tribunal for the former Yugoslavia

CONSIDERING Security Council resolution 827 of 25 May 1993, 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 RADIĆ Miroslav, and confirmed by me on 7 November 1995, copies of which are annexed to this warrant,

HEREBY DIRECT the Government of the Federal Republic of Yugoslavia to search for and promptly arrest and transfer to the International Criminal Tribunal for the former Yugoslavia:

RADIĆ Miroslav, born in 1960, whose last known place of residence is Belgrade, Serbia, Federal Republic of Yugoslavia,

alleged to have committed around 20 November 1991 at Ovčara, near Vukovar in Croatia, in the territory of the former Yugoslavia the following crimes: grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war, and crimes against humanity, which, pursuant to Articles 2,3 and 5 respectively, fall under the jurisdiction of the International Criminal Tribunal,

And to advise the accused RADIĆ Miroslav at the time of his arrest, and in a language he understands, of all 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 statements he makes shall be recorded and may be used in evidence. The indictment and the confirmation of the indictment (all documents being annexed to the present warrant) must also be brought to the attention of the accused,

REQUEST THAT the Government of the Federal Republic of Yugoslavia, pursuant to Rule 57 of the Rules of Procedure and Evidence, promptly notify the Registrar of the International Criminal Tribunal for the former Yugoslavia, for the purposes of his surrender.

REQUEST THAT the Government of the Federal Republic of Yugoslavia, upon the arrest of RADIĆ Miroslav, pursuant to rule 59 (A) of the Rules of Procedure and Evidence, promptly notify the Registrar of the International Criminal Tribunal for the former Yugoslavia if they are unable to execute this warrant of arrest and to indicate the reasons.

(signed)

Judge of Trial Chamber 1
of the International Criminal Tribunal
for the former Yugoslavia

7 November 1995
The Hague
The Netherlands

Seal of the Tribunal

Case no. IT-95-13-I

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.