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D566 - D563 mch

Case No. IT-95-8-I

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

BEFORE A JUDGE OF THE TRIAL CHAMBER

Before: *Lal Chand VOHRAH*

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: *20-03-1996*

THE PROSECUTOR

v.

LAJIĆ Goran

WARRANT OF ARREST
ORDER FOR SURRENDER

To: The Federal Republic of Germany - Bonn

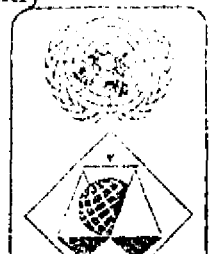
I, *L. C. Vohrah*, Judge of the International Criminal Tribunal for the former Yugoslavia,

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 LAJIĆ Goran, and confirmed by a Judge of the International Criminal Tribunal for the former Yugoslavia on the *21* day of *July* 1995, a copy of which is annexed to this warrant of arrest,

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

LAJIĆ Goran, date and place of birth 25 September 1967 in Banja Luka in the Opština of Banja Luka, Republic of Bosnia-Herzegovina, and who is currently in custody in Nuremberg, Federal Republic of Germany,

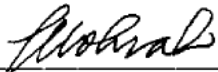


Alleged to have committed in the Opština Prijedor, between the end of May 1992 and the beginning of August 1992, the following crimes: Grave Breaches of the Geneva Conventions of 1949, Violations of the Laws or Customs of War and Crimes Against Humanity, within the competence of the International Criminal Tribunal for the former Yugoslavia by virtue of Articles 2, 3 and 5 respectively,

And to advise the said LAJIĆ Goran 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.

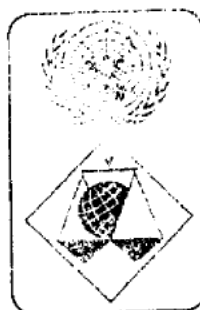
REQUEST THAT the Federal Republic of Germany - Bonn, upon the arrest of LAJIĆ Goran, promptly notify the Registrar of the International Criminal Tribunal for the former Yugoslavia, for the purposes of his transfer pursuant to Rule 57 of the Rules of Procedure and Evidence,

REQUEST THAT the Federal Republic of Germany - Bonn 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.


 Judge, Trial Chamber
 International Criminal Tribunal for the former Yugoslavia

Dated this 20th day of March 1996.
 At The Hague,
 The Netherlands

(Seal of the Tribunal)



Case No. IT-95-8-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.