



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-13-R61
Date: 3 April 1996
Original: FRENCH &
ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Elizabeth Odio Benito
Judge Fouad Riad

Registrar: Mr. Dominique Marro, Deputy Registrar

Decision of: 3 April 1996

THE PROSECUTOR

v.

MIROSLAV RADIĆ

**INTERNATIONAL ARREST WARRANT
AND ORDER FOR SURRENDER**

To all States and to the Implementation Force (IFOR)

THE TRIAL CHAMBER OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA,

CONSIDERING United Nations Security Council Resolution 827 of 25 May 1993, Article 29 of the Statute, as well as Rules 54 to 61 of the Rules of Procedure and Evidence of the Tribunal.

CONSIDERING the indictment submitted against Miroslav RADIĆ by the Prosecutor of the Tribunal, confirmed by Judge Fouad RIAD, a Judge of the Tribunal, on 7 November 1995 a copy of which is annexed to this warrant of arrest,

CONSIDERING the order of the Trial Chamber on 3 April 1996, reconfirming the indictment following the failure to execute the initial warrant of arrest issued against, Miroslav RADIĆ a copy of which is annexed to this warrant of arrest,

HEREBY DIRECTS the authorities and all officers and agents of all States to act promptly with all due diligence to secure the arrest, detention and transfer to the Tribunal of:

Miroslav RADIĆ, aged approximately 35 years old, is believed to be either in Belgrade or in Kragujevac (Federal Republic of Yugoslavia)

ALLEGED to have committed at Vukovar on or about 20 November 1995,

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 by virtue of Articles 2,3 and 5 of the Statute.

AND to advise the said Miroslav RADIĆ, 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*, and in Rules 42 and 43 of the Rules which are set out below, including his right to remain silent and to be cautioned that any statements he makes shall be recorded and may be used in evidence. The indictment, review of the indictment and decision of this Chamber taken in accordance with Rule 61 of the Rules (documents annexed to the present warrant) must also be brought to the attention of the accused in a language he understands,

FURTHER ORDERS that the authorities of all States, and the Implementation Force (IFOR) upon the arrest of the accused Miroslav RADIĆ, promptly notify the Registrar of the Tribunal.

By order this third day of April 1996.



Claude Jorda, Presiding Judge, Trial Chamber I
International Criminal Tribunal for the former Yugoslavia

In The Hague,
The Netherland.

(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.