



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-95-3-I
Date: 25 November 1996
Original: English

Before: Judge Adolphus Godwin Karibi-Whyte

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Order of: 25 November 1996

THE PROSECUTOR

v.

**DUŠAN TADIĆ
AND GORAN BOROVNICA**

**ORDER TO SUBMIT A REPORT ON THE MEASURES
TAKEN TO EFFECT PERSONAL SERVICE OF THE INDICTMENT**

The Office of the Prosecutor:

Ms. Louise Arbour

I, Adolphus Godwin Karibi-Whyte, Judge of the International Criminal Tribunal for the Former Yugoslavia, in chambers,

NOTING the indictment against Dušan Tadić and Goran Borovnica dated 10 February 1995 which I confirmed on 13 February 1995,

NOTING the warrants of arrest ordering surrender of Dušan Tadić and Goran Borovnica which I signed on 13 February 1995,

CONSIDERING that with respect to Dušan Tadić, the above specified warrants of arrest, accompanied by the required documents, were addressed to the Federal Republic of Germany,

CONSIDERING FURTHER that with respect to Dušan Tadić the authorities of the Federal Republic of Germany executed the warrants of arrest and on 24 April 1995, surrendered Dušan Tadić to the jurisdiction of the Tribunal,

NOTING that Trial Chamber II of the Tribunal is currently sitting in trial on this indictment as it relates to Dušan Tadić, having been seised of jurisdiction since 26 April 1995 when Dušan Tadić made his initial appearance before it,

CONSIDERING that with respect to Goran Borovnica the above specified warrants of arrest, accompanied by the required documents, have been addressed to the authorities of the Republic of Bosnia and Herzegovina, and the Bosnian Serb administration specifically directing them to search for Goran Borovnica and to arrest him,

CONSIDERING that as of the date of this Order, those warrants of arrest relating to Goran Borovnica have not been executed by the authorities to whom they were sent,

CONSIDERING that according to Rule 60 of the Rules of Procedure and Evidence, hereafter referred to as the Rules, the Registrar, at the request of the Prosecutor, shall transmit a form of advertisement of the indictment to the national authorities of any States which the Prosecutor considers necessary for publication in the national newspapers of the territories concerned,

CONSIDERING also that the wording of Rule 60 shows that the only requirement is the transmission of the form of the advertisement by the Registrar to the competent authorities without the need to prove that it was actually published,

CONSIDERING that according to the provisions of Rule 61, Sub-rule (A), the Judge who confirmed the indictment shall invite the Prosecutor to report on the measures he has taken if the warrants of arrest have not been executed within a reasonable time, and that such measures include the transmission of the advertisement pursuant to Rule 60,

CONSIDERING that the concept of reasonable time must be evaluated in respect of the circumstances specific to each case,

CONSIDERING that taking all the circumstances of this particular case into consideration, the reasonable time has elapsed,

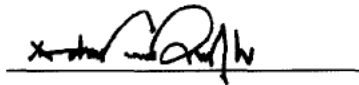
FOR THESE REASONS, PURSUANT TO RULE 61(A),

INVITE the Prosecutor to immediately initiate the procedure envisaged by Rule 60, should this not yet have been initiated in relation to the indictment against Dušan Tadić and Goran Borovnica dated 10 February 1995 as confirmed on 13 February 1995, in so far as the indictment relates to Goran Borovnica;

FURTHER INVITE the Prosecutor to submit a written report on the measures taken pursuant to Rule 61 in relation to the indictment against Dušan Tadić and Goran Borovnica dated 10 February 1995 as confirmed on 13 February 1995, in so far as those measures relate to Goran Borovnica;

SET the final date for the submission of this report for 2 December 1996, or if Rule 60 has not already been activated by the date of this Order, for 9 December;

GRANT the Prosecutor a period of three days from the date of this Order to apply for an extension of time within which to comply with the Order, such application to include a statement of reasons for the necessity of this extension.



Judge Adolphus Godwin Karibi-Whyte

Dated this twenty-fifth day of November 1996
At The Hague
The Netherlands

(Seal of the Tribunal)