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

Case No. IT-95-4-I

BEFORE A JUDGE OF THE INTERNATIONAL TRIBUNAL

Before: Judge Adolphus G. Karibi-Whyte

Registrar: Dorothee de Sampayo Garrido-Nijgh

Decision of: 12 January 1997

**THE PROSECUTOR
OF THE TRIBUNAL**

v.

**DUŠAN KNEŽEVIĆ
a/k/a DUČA**

**WARRANT OF ARREST
ORDER FOR SURRENDER**

To: THE REPUBLIC OF MAURITIUS

I, Adolphus G. Karibi-Whyte, Judge of the International Criminal Tribunal for the former Yugoslavia (hereinafter referred to as the "International Tribunal"),

CONSIDERING United Nations Security Council resolution 827 of 25 May 1993,

CONSIDERING the indictment submitted by the Prosecutor of the International Tribunal against Dušan KNEŽEVIĆ, also known as "Duča", as confirmed by me on 13 February 1995, a copy of which is annexed to this warrant of arrest,

CONSIDERING Articles 19, paragraph 2, and 29 of the Statute of the International Tribunal as well as Rules 54 to 61 of the Rules of Procedure and Evidence (hereinafter "the Rules") of the International Tribunal,

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HEREBY ORDER THAT the said Dušan KNEŽEVIĆ also known as “Duća” shall be taken into custody and held awaiting transfer to the International Tribunal pursuant to Rule 57 of the Rules of the International Tribunal,

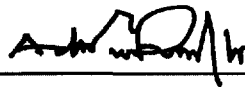
AND I HEREBY WARRANT AND DIRECT the authorities and all officers and agents of the Republic of Mauritius, to search for, arrest and surrender to the International Tribunal:

Dušan KNEŽEVIĆ also known as “Duća”, born 23 June 1955, approximately 170 cm tall, longish black hair, olive-complexion, strong heavy build, whose last known address is in the opština of Prijedor, Republic of Bosnia and Herzegovina.

THE ACCUSED is alleged to have committed the following crimes between June and July 1992 at the Omarska camp in the opština of Prijedor, Bosnia-Herzegovina : Grave Breaches of the Geneva Conventions of 1949 as recognized by Articles 2(a) and 2(c) and Article 7(1) of the Statute of the International Tribunal; Violations of the Laws and Customs of War as recognized by Article 3 and Article 7(1) of the Statute of the International Tribunal; and Crimes against Humanity as recognized by Articles 5(a) and 5(i) and Article 7(1) of the Statute of the International Tribunal all of which are within the competence of the International Tribunal.

I HEREBY DIRECT the authorities of the Republic of Mauritius to advise the said Dušan KNEŽEVIĆ, also known as “Duća”, at the time of his arrest, and in a language he understands, of the rights of an accused set forth in Article 21 of the Statute of the International Tribunal and, *mutatis mutandis*, in Rules 42 and 43 of the Rules of the International Tribunal, which are attached hereto, 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, and to bring to his attention the indictment and the review of the indictment attached hereto, and to provide him with a copy of this warrant of arrest and all documents attached hereto.

I FURTHER ORDER THAT upon the arrest of Dušan KNEŽEVIĆ, also known as “Duća”, the authorities of the Republic of Mauritius promptly notify the Registrar of the International Tribunal for the purposes of his transfer pursuant to Rule 57 of the Rules of the International Tribunal.



Adolphus G. Karibi-Whyte
Judge
International Criminal Tribunal for the former Yugoslavia

Dated this twelfth day of January 1997
At The Hague
The Netherlands

[Seal of the Tribunal]

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Article 21

Rights 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 42

Rights 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;
 - (ii) the right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning; and
 - (iii) the right to remain silent, and to be cautioned that any statement he makes shall be recorded and may be used in evidence.
- (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 43

Recording Questioning of Suspects

Whenever the Prosecutor questions a suspect, the questioning shall be audio-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 audio-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 audio-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 as soon as practicable after the conclusion of questioning 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.