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

Case No. IT 96-23-I

BEFORE A JUDGE OF THE TRIAL CHAMBER

Before: Judge L. C. Vohrah

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of:

THE PROSECUTOR

v

GOJKO JANKOVIĆ

**WARRANT OF ARREST
ORDER FOR SURRENDER**

To: The Federal Republic of Germany - Bonn

I, Lal 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 **GOJKO JANKOVIĆ** and confirmed by me, a Judge of the International Criminal Tribunal for the former Yugoslavia, on the 26th day of June 1996, a copy of which is annexed to this warrant of arrest,

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

GOJKO JANKOVIĆ, son of Danilo, born on 31 October 1954 in the village of Trbušće in the municipality of Foča, was a permanent resident of Foča at I.G. Kovačića Street. He previously lived in Herceg Novi, Montenegro. Prior to the take-over of Foča, he worked in the Šipad Maglić Company and owned a cafe in Tmovača. **GOJKO JANKOVIĆ**, was a sub-commander of the military police and one of the main paramilitary leaders in Foča.

Alleged to have committed in the territory of the Republic of Bosnia and Herzegovina, between April 1992 and February 1993: Crimes against Humanity, Grave Breaches of the Geneva Conventions 1949 and Violations of the Laws or Customs of War, within the competence of the International Criminal Tribunal for the former Yugoslavia by virtue of Articles 2, 3 and 5 of the Statute.

And to advise the said **GOJKO JANKOVIĆ** 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, upon the arrest of **GOJKO JANKOVIĆ**, 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 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.



Val C. Vohrah
Judge, Trial Chamber II

International Criminal Tribunal for the former Yugoslavia

Dated this *7th* day of *March*, 1997,
At The Hague,
The Netherlands

Seal of the Tribunal

Case No. IT 96-23-I

Član 21Prava optuženog

1. Sva su lica pred Međunarodnim sudom jednaka.
2. Prilikom utvrđivanja optužbi protiv njega, optuženi ima pravo na pravičnu i javnu raspravu, u skladu sa članom 22 Statuta.
3. Optuženi se smatra nevinim sve dok mu se ne dokaže krivica u skladu s odredbama Statuta.
4. Pri utvrđivanju bilo koje optužbe protiv optuženog u skladu s ovim Statutom, optuženom se, u punoj ravnopravnosti, garantuje sledeći minimum prava:
 - a) da na jeziku koji razume bude detaljno i blagovremeno obavešten o prirodi i razlozima optužbi protiv njega;
 - b) da mu se pruži odgovarajuće vreme i mogućnosti za pripremu odbrane te da može da kontaktira sa braniocem po sopstvenom izboru;
 - c) da mu se sudi bez nepotrebnog odugovlačenja;
 - d) da se sudski postupak vodi u njegovom prisustvu, da se brani sam ili uz pomoć pravnog zastupnika po sopstvenom izboru, da o ovom pravu bude obavešten ukoliko nema pravnog zastupnika, te da mu se pravni zastupnik dodeli svaki put kada to nalažu interesi pravde, s tim da nije dužan da snosi troškove odbrane ako nema dovoljno sredstava;
 - e) da ispita ili traži da se ispitaju svedoci koji ga terete, kao i to da se dovedu i svedoci odbrane i ispitaju pod istim uslovima kao i svedoci koji ga terete;
 - f) da ima besplatne usluge prevodioca ako ne razume ili ne govori jezik koji se koristi na Međunarodnom sudu;
 - g) da ne bude primoran da svedoči protiv samoga sebe ili da prizna krivicu.

Član 42Prava osumnjičenoga tokom istrage

A) Osumnjičeni koga tužilac ispituje ima sledeća prava, o kojima će ga tužilac obavestiti pre ispitivanja na jeziku koji osumnjičeni govori i razume:

- (i) pravo na pomoć branioca po sopstvenom izboru ili na besplatnu pravnu pomoć koja će mu biti dodeljena ukoliko nema dovoljno sredstava da je sam plati;
- (ii) pravo na besplatne usluge prevodioca ako ne razume ili ne govori jezik koji se koristi u ispitivanju;
- (iii) pravo na ćutanje i na upozorenje da će svaka izjava koju bude dao biti zabeležena te da će moći da se koristi kao dokazni materijal.

B) Ispitivanje osumnjičenog ne može da se odvija bez prisustva branioca, osim ako se osumnjičeni dobrovoljno ne odrekne prava na branioca. U slučaju da se odrekne tog prava, a naknadno ipak izrazi želju da ima branioca, ispitivanje će se prekinuti, a nastaviti kada osumnjičeni uzme branioca ili mu se on dodeli.

Član 43Snimanje ispitivanja osumnjičenog

Kada tužilac ispituje osumnjičenog, ispitivanje se snima na audio ili video traku, u skladu sa sledećom procedurom:

- (i) osumnjičeni će na jeziku koji govori i razume biti obavešten o činjenici da se ispitivanje snima na audio ili video traku;
- (ii) u slučaju prekida u toku ispitivanja, činjenica da se ispitivanje prekida kao i vreme prekida zabeležiće se pre nego što se audio ili video snimanje prekine; vreme ponovnog nastavka ispitivanja će se takođe zabeležiti;
- (iii) nakon završetka ispitivanja, osumnjičenom će biti omogućeno da pojasni sve što je rekao i da doda šta god želi; vreme završetka ispitivanja će takođe biti zabeleženo;
- (iv) snimljeni zapis biće transkribovan čim to bude moguće nakon završetka ispitivanja, a kopija transkripta dostavljena osumnjičenom zajedno sa kopijom snimljene trake; ukoliko se koristi sprava za istovremeno snimanje više traka osumnjičeni će dobiti jednu od originalno snimljenih traka;
- (v) - ako je potrebno napraviti kopiju snimljene trake radi transkripta, tada će se original snimljene trake ili jedan od originala zapečatiti u prisustvu osumnjičenog sa potpisima tužioca i osumnjičenog.

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.