



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

Case No. IT-95-5/18-I

Date 31 May 2000

Original: English

**BEFORE A JUDGE OF A TRIAL CHAMBER**

**Before:** Judge Patricia Wald  
**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh, Registrar  
**Decision of:** 31 May 2000

**THE PROSECUTOR**

v

**RADOVAN KARADŽIĆ**

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***UNDER SEAL***  
**WARRANT OF ARREST**  
**ORDER FOR SURRENDER**

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To: The Prosecutor of the International Tribunal

I, **PATRICIA WALD**, Judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“International Tribunal”);

**CONSIDERING** United Nations Security Council Resolution 827 of 25 May 1993, and Articles 19(2) and 29 of the Statute of the International Tribunal (“Statute”), and Rules 54 to 61 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”);

**CONSIDERING** the Amended Indictment submitted by the Prosecutor against **Radovan KARADŽIĆ** dated 28 April 2000 and confirmed by me, a Judge of the International Criminal Tribunal for the former Yugoslavia, a copy of which is annexed to this warrant of arrest;

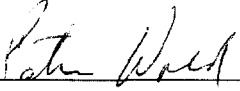
**HEREBY AUTHORISE** the Prosecutor or her representatives to search for, arrest and surrender to the International Tribunal:

**Radovan KARADŽIĆ** born on 19 June 1945 in the municipality of Šavnik, presently Republic of Montenegro, former President of the Serbian Democratic Party, former President of the Presidency of the Serbian Republic of Bosnia and Herzegovina and former President of Republika Srpska;

Alleged to have committed in the territory of Bosnia and Herzegovina, between 1 July 1991 and 19 July 1996: Genocide, Crimes Against Humanity, Violations Of The Laws Or Customs Of War, And Grave Breaches Of The Geneva Conventions of 1949, punishable under Articles 2, 3, 4, 5, and 7(1) and 7(3) of the Statute of the International Tribunal;

And to advise the said **Radovan KARADŽIĆ** 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 which are annexed 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. 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 Prosecutor or her representatives, upon the arrest of **Radovan KARADŽIĆ**, promptly notify the Registrar of the International Tribunal, for the purposes of his transfer to the International Tribunal,

  
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 Patricia Wald  
 Judge,  
 International Tribunal

Dated this 31 day of May 2000,  
 At The Hague,  
 The Netherlands

[Seal of the Tribunal]

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 the Prosecutor shall inform the suspect prior to questioning, in a language the suspect speaks and understands:
- (i) the right to be assisted by counsel of the suspect's choice or to be assigned legal assistance without payment if the suspect does not have sufficient means to pay for it;
  - (ii) the right to have the free assistance of an interpreter if the suspect 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 the suspect 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 the 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 the suspect 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 the suspect has said, and to add anything the suspect 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.