



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: IT-02-58-I
Date: 12 January 2004
Original: English

98

BEFORE THE DUTY JUDGE

Before: Judge Liu Daqun
Registrar: Mr. Hans Holthuis
Decision of: 12 January 2004

THE PROSECUTOR

v.

LJUBIŠA BEARA

**WARRANT OF ARREST
And
ORDER FOR SURRENDER**

TO: The Authorities of any member State of the United Nations

I, **Liu Daqun**, 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 (the “International Tribunal”);

HAVING BEEN DESIGNATED as the duty Judge by the President of the International Tribunal pursuant to Rule 28 of the Rules of Procedure and Evidence (“the Rules”) for the period from 12 December 2003 to 19 December 2003 and for the period from 9 January 2004 to 16 January 2004;

BEING SEIZED of a motion filed on 10 December 2003 by the Office of the Prosecutor, whereby the Prosecution requests that:

- 1) the duty Judge to issue a warrant of arrest and order for surrender for **LJUBIŠA BEARA** (the “Accused”), which would be addressed to the authorities of *any* member State of the United Nations;
- 2) the duty Judge order that copies of the warrant of arrest be transmitted to the Office of the Prosecutor, which may deliver them to the competent authorities to any member State of the United Nations in whose territory or under whose jurisdiction each the Accused resides, or was last known to be, or is believed by the Prosecution to be likely to be found;

NOTING that, notwithstanding the fact that the Prosecution’s motion was erroneously addressed to me at the time it was filed, I have agreed to deal with it;

NOTING that the amended indictment submitted by the Prosecution against **LJUBIŠA BEARA** was confirmed by Judge Schomburg on 26 March 2002, a copy of which is annexed to this warrant of arrest and order for surrender;

NOTING the previous warrants of arrest and orders for surrender issued in this case and specifically addressed to some States and to the Office of the Prosecutor;

RECALLING Rule 55 of the Rules entitled “Execution of Arrest Warrants” and Rule 59bis of the Rules entitled “Transmission of Arrest Warrants”;

TAKING INTO ACCOUNT that, according to Rule 59bis of the Rules, a permanent Judge may order the Registrar to transmit to an appropriate authority or international body or the Prosecutor a copy of a warrant for the arrest of an accused, *on such terms as the Judge may determine*;

CONSIDERING that, although some member State of the United Nations may already have received copies of the arrest warrants, it is necessary to amend the previous arrest warrants in view of the Prosecution's requests since they did not direct the authorities of any member State of the United Nations to search for, arrest and surrender the Accused to the Tribunal;

CONSIDERING FURTHER that, for reasons of urgency, it is appropriate to authorise, pursuant to Rule 59bis, the Prosecutor to directly transmit this warrant of arrest and order for surrender to the competent authorities to which this order is addressed;

PURSUANT TO United Nations Security Council Resolution 827 of 25 May 1993, Articles 19(2) and 29 of the Statute of the International Tribunal (the "Statute") and Rules 28, 54, 55 and 59bis of the Rules;

HEREBY

DIRECT AND AUTHORISE the competent authorities of any member State of the United Nations to which this warrant is transmitted to search for, arrest, detain and surrender to the International Tribunal:

LJUBIŠA BEARA, son of Jovan, born on 14 July 1939 in Sarajevo, and former Chief of Security of the VRS Main Staff;

Alleged to have committed, in and around Srebrenica between 11 July 1995 and 1 November 1995, Genocide, punishable under Articles 4(3)(a) and 7(1) of the Statute of the Tribunal, or alternatively Complicity in Genocide, punishable under Articles 4(3)(e) and 7(1) of the Statute of the Tribunal; Violations of the Laws or Customs of War, punishable under Articles 3 and 7(1) of the Statute and Crimes against Humanity, punishable under Article 5(a), 5(b), 5(h), 5(i) and 7(1) of the Statute;

And to advise **LJUBIŠA BEARA** at the time of his arrest, in a language that 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 of arrest) must also be brought to the attention of **LJUBIŠA BEARA**. A copy of the indictment, in a language that he understands, must be given to him.

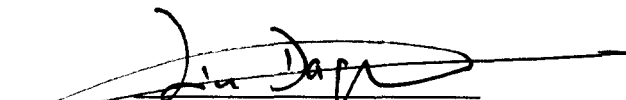
REQUEST that, upon the arrest of **LJUBIŠA BEARA**, the authorities of any member State of the United Nations executing this warrant promptly notify the Registrar of the International Tribunal so that he may be transferred to the International Tribunal pursuant to Rule 57 of the Rules;

REQUEST the authorities of any member State of the United Nations in whose territory or under whose jurisdiction **LJUBIŠA BEARA** resides, or was last known to be, or is believed by the Prosecution to be likely to be found and to which this warrant is transmitted, to report forthwith to the Registrar of the International Tribunal if they are unable to execute this warrant of arrest and to indicate the reasons for such non-execution, pursuant to Rule 59 (A) of the Rules;

ORDER the Registrar to transmit to the Prosecutor a copy of this warrant for arrest and order for surrender, in order for the Prosecutor to be in the position to deliver this warrant of arrest and order for surrender to the competent authorities of any member State of the United Nations in whose territory or under whose jurisdiction **LJUBIŠA BEARA** resides, or was last known to be, or is believed by the Prosecution to be likely to be found;

Done in English and French, the English text being authoritative.

Dated this 12th day of January 2004
At The Hague,
The Netherlands



Judge Liu Daqun

[Seal of the Tribunal]