



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-02-64-I

Date: 12 January 2004

Original: English

**BEFORE THE DUTY JUDGE**

Before: Judge Liu Daqun

Registrar: Mr. Hans Holthuis

Decision of: 12 January 2004

**THE PROSECUTOR**

**v.**

**LJUBOMIR BOROVČANIN**

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**WARRANT OF ARREST  
and  
ORDER FOR SURRENDER**

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**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 (the “Prosecution”), whereby the Prosecution requests that:

- 1) the duty Judge issue a warrant of arrest and order for surrender for **LJUBOMIR BOROVČANIN** (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 indictment was confirmed in respect of each and every count by Judge Schomburg on 6 September 2002, a copy of which is annexed to this warrant of arrest and order for surrender;

**NOTING** the previous warrants of arrest and order for surrender issued in this case and specifically addressed to a State 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:

**LJUBOMIR BOROVČANIN**, son of Milorad, born on 27 February 1960 in Han Pijesak. He graduated in 1982 from Sarajevo University with a degree in political science and in 1998 he received a Masters degree at Belgrade University in civil defence. In 1990, he was appointed Commander of the police station in Kladanj, where he remained until 13 May 1992 when Muslim forces took over the area. On 1 October 1993, **LJUBOMIR BOROVČANIN** was appointed Commander of the police station in Bratunac, a position that he held until 24 February 1994. Then, he was appointed Deputy Commander of the Special Police Brigade of the Republika Srpska (RS) Ministry of Interior (MUP) and he remained in this position until 23 December 1995.

Alleged to have committed in the territory of Bosnia and Herzegovina, Complicity in Genocide, Violations of the Laws or Customs of War and Crimes against Humanity, all of which are punishable under the Statute of the Tribunal;

And to advise **LJUBOMIR BOROVČANIN** 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 **LJUBOMIR BOROVČANIN**. A copy of the indictment, in a language that he understands, must be given to him.

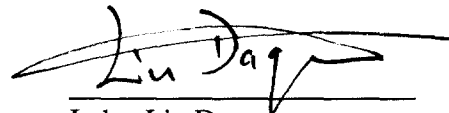
**REQUEST** that, upon the arrest of **LJUBOMIR BOROVČANIN**, the authorities of any member State of the United Nations executing this warrant promptly notify the Registrar of the International Tribunal so that he may be transferred to the International Tribunal pursuant to Rule 57 of the Rules;

**REQUEST** the authorities of any member State of the United Nations, in whose territory or under whose jurisdiction **LJUBOMIR BOROVČANIN** 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 of arrest and order for surrender, in order for the Prosecutor to be in the position to serve 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 **LJUBOMIR BOROVČANIN** 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 12<sup>th</sup> day of January 2004  
At The Hague,  
The Netherlands



Judge Liu Daqun

[Seal of the Tribunal]