

UNITED
NATIONS



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-99-36-I
Date: 5 October 2004
Original: English
French

BEFORE A JUDGE OF THE TRIBUNAL

Before: Judge Jean-Claude Antonetti
Registrar: Mr Hans Holthuis
Decision of: 5 October 2004

THE PROSECUTOR

v.

STOJAN ŽUPLJANIN

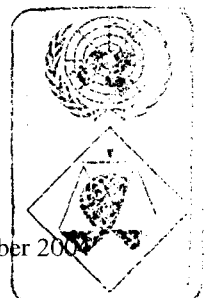
**WARRANT OF ARREST AND ORDER FOR SURRENDER
WITHDRAWAL OF PREVIOUS WARRANTS OF ARREST**

confidential

To: the authorities of Bosnia and Herzegovina

Case no.: IT-99-36-I

5 October 2004



I, Jean-Claude Antonetti, 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”);

HAVING BEEN ASSIGNED Reviewing Judge in this case in a confidential and *ex parte* Order of the President of the International Tribunal dated 28 September 2004, pursuant to Rule 50(A)(i)(b) of the Rules of Procedure and Evidence (“Rules”),

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

NOTING the second amended indictment submitted by the Office of the Prosecutor (“Prosecution”) against **Stojan Župljanin** including the appended schedules (“Second Amended Indictment”) and confirmed by me, a Judge of the International Tribunal, on 5 October 2004, a copy of which is annexed to this warrant of arrest;

NOTING the confidential Prosecution’s Request for Issuance of Warrant of Arrest and Order for Surrender against **Stojan Župljanin** filed *ex parte* on 29 September 2004 (“Request”),

NOTING the confidential Modification to Prosecution’s Request for Issuance of Warrant of Arrest and Order for Surrender filed *ex parte* on 30 September 2004,

NOTING the Warrant of Arrest and Order for Surrender in this case dated 17 December 1999, made public in an order of 13 July 2001, previously addressed to the authorities of Bosnia and Herzegovina,

NOTING the warrants of arrest and orders for surrender of 14 March 1999 and 13 January 2000 addressed to the entity known as “*Republika Srpska*”,

HAVING HEARD the Prosecution on 28, 29, 30 September 2004 and on 1 and 4 October 2004,

CONSIDERING that in view of the appreciably different nature of the charges brought against **Stojan Župljanin** in the Second Amended Indictment, a new warrant of arrest and order for surrender against **Stojan Župljanin** should be issued, replacing the warrants of arrest and orders for surrender of 14 March 1999, 17 December 1999 and 13 January 2000,

CONSIDERING that the warrant of arrest of 17 December 1999 addressed to the authorities of Bosnia and Herzegovina has not been executed to date and that, consequently, the Registrar and the Prosecution should be asked the reasons therefor,

CONSIDERING that the issue of the temporary confidentiality of the said warrant of arrest should also be considered as a matter of course,

CONSIDERING that Rule 61 of the Rules provides that if the Judge is satisfied that all reasonable steps have been taken to ascertain the whereabouts of the accused, the Judge may order that the Prosecution refer the matter to the Trial Chamber of which he or she is a member,

CONSIDERING that while awaiting the requested information and before possibly referring the matter to the Trial Chamber, the new warrant of arrest should temporarily not be disclosed in order to facilitate its efficient implementation by the Registrar and the requisite authorities, and also to allow the Prosecution, by means of a copy of the warrant of arrest, to assist, if necessary, in the operations conducted on the ground by the requisite authorities,

CONSIDERING, consequently, that the warrant of arrest issued today shall remain **confidential** until 1 December 2004, on which date it shall be made public,

FOR THE FOREGOING REASONS,

HEREBY DIRECT the authorities of Bosnia and Herzegovina once again to search for, arrest and surrender to the seat of the International Tribunal:

Stojan Župljanin, born in 1951, in the village of Maslovare, Kotor Varoš Municipality, in Bosnia and Herzegovina; graduated from law school in Sarajevo and employed by the Banja Luka Secretariat of the Interior (SUP); from 1991 on he served as the head or commander of the Regional Security Services Centre (CSB) in Banja Luka; in 1992, he was a member of the Autonomous Region of Krajina (ARK) Crisis Staff and later served as a special advisor to the President of *Republika Srpska*,

Who is alleged to have committed in the territory of Bosnia and Herzegovina, between 1 April 1992 and 31 December 1992, crimes against humanity punishable under Article 5 of the Statute and violations of the laws or customs of war punishable under Article 3 of the Statute,

And to advise the said **Stojan Župljanin** at the time of his arrest, in a language that he understands, of all his rights as set forth in Article 21 of the Statute and, *mutatis mutandis*, Rules 42 and 43 of the Rules, which are annexed hereto, of his right to remain silent, to caution him that any statement he makes shall be recorded and may be used in evidence, and to bring to his attention in a language which he understands the Second Amended Indictment and authorisation to amend the Amended Indictment (as well as all other documents annexed to the present warrant of arrest),

REQUEST the authorities of Bosnia and Herzegovina to transmit this warrant of arrest and order for surrender and all the documents appended hereto to the authorities of *Republika Srpska*,

REQUEST that, upon the arrest of **Stojan Župljanin**, the authorities of Bosnia and Herzegovina promptly notify the Registrar of the International Tribunal for the purpose of his transfer to the seat of the International Tribunal pursuant to Rule 57 of the Rules,

REQUEST also that, pursuant to Rule 59(A) of the Rules, the authorities of Bosnia and Herzegovina report forthwith to the Registrar of the International Tribunal if they are unable to execute the present warrant of arrest indicating the reasons therefor and to inform the Registrar of the International Tribunal of the reasons why the warrant of arrest of 17 December 1999 has not been executed,

CALL UPON the Registrar of the International Tribunal once he has received a response from the authorities of Bosnia and Herzegovina to transmit that response to me,

CALL UPON the Registrar of the International Tribunal to transmit a copy of this warrant of arrest and order for surrender to the authorities of Bosnia and Herzegovina,

CALL UPON the Registrar of the International Tribunal to ensure that **Stojan Župljanin** is brought without delay before a Trial Chamber or a permanent Judge, pursuant to Rule 62 of the Rules,

WITHDRAW the warrants of arrest and orders for surrender of 14 March 1999, 17 December 1999 and 13 January 2000,

AND SUBSTITUTE those warrants with the present warrant of arrest and order for surrender,

REQUEST that once the Registrar has received a response from the authorities of Bosnia and Herzegovina he transmit that response to me, and

REQUEST also that, pursuant to Rule 61 of the Rules, the Prosecution and the Registrar report on the reasonable steps undertaken to secure the arrest of the accused, in accordance with the previous warrants of arrest so that the matter may be referred to the Trial Chamber,

AND ORDER that this warrant of arrest and order for surrender not be disclosed to the public until 1 December 2004.

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

/signed/

Jean-Claude Antonetti

Judge of the International Tribunal

Dated this fifth day of October 2004
At The Hague
The Netherlands

[Seal of the Tribunal]