

UNITED
NATIONS

IT-04-81-I
D 3-1/5679 bis
25 FEBRUARY 2005

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Bj



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-04-81-I
Date: 24 February 2005
Original: English
French

BEFORE THE CONFIRMING JUDGE

Before: Judge Jean-Claude Antonetti
Registrar: Mr Hans Holthuis
Decision of: 24 February 2005

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

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

To: the authorities of Serbia and Montenegro

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”);

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 of Procedure and Evidence of the International Tribunal (“Rules”);

NOTING the Indictment brought by the Office of the Prosecutor (“Prosecution”) against **Momčilo Perišić** and confirmed by me, a Judge of the International Tribunal, on 24 February 2005, 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 **Momčilo Perišić** filed *ex parte* on 22 December 2004 (“Request”);

CONSIDERING that the new warrant of arrest should temporarily not be made public in order to facilitate its efficient execution by the Registrar and the requisite authorities, and also to allow the Prosecution, by means of a copy of the warrant of arrest, to provide any assistance with field operations conducted by the requisite authorities;

CONSIDERING, consequently, that the warrant of arrest issued today shall remain **under seal** until 12 March 2005, on which date it shall be made public;

FOR THE FOREGOING REASONS,

HEREBY DIRECT and authorise the competent authorities of Serbia and Montenegro to search for, arrest and surrender to the seat of the International Tribunal:

Momčilo Perišić, son of Svetozar Perišić, born on 22 May 1944 in Koštunići, Serbia, in the Socialist Federative Republic of Yugoslavia (“SFRY”),

who is alleged to have committed in the territory of Bosnia and Herzegovina, the Republic of Croatia and Serbia and Montenegro, between approximately August 1993 and November 1995, 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 **Momčilo Perišić** 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*,

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 Indictment and the confirmation thereof (as well as all other documents annexed to this warrant of arrest);

REQUEST that, upon the arrest of **Momčilo Perišić**, the authorities of Serbia and Montenegro 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 that the authorities of Serbia and Montenegro 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;

CALL UPON the Registrar of the International Tribunal to transmit to the authorities of Serbia and Montenegro copies of this warrant of arrest and order for surrender, of the Indictment and of all other documents annexed to this warrant of arrest;

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

ORDER that this warrant of arrest not be made public until 12 March 2005;

AND REQUEST the Registrar of the Tribunal to keep me informed of any difficulty relating to the execution of this warrant of arrest.

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

/signed/

Jean-Claude Antonetti

Judge of the International Tribunal

Dated this twenty-fourth day of February 2005
At The Hague
The Netherlands

[Seal of the Tribunal]