



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-95-4-I
Date: 19 July 2001
Original: English
French

BEFORE THE CONFIRMING JUDGE

Before: Judge Mohamed Fassi Fihri

Registrar: Mr. Hans Holthuis

Decision of: 19 July 2001

THE PROSECUTOR

v.

DUŠAN KNEŽEVIĆ

**DECISION ON THE PROSECUTOR'S REQUEST
FOR LEAVE TO AMEND THE INDICTMENT
AND ISSUE OF WARRANT OF ARREST
AND ORDER FOR SURRENDER**

The Office of the Prosecutor:

Mr. Graham Blewitt

Ms. Susan Somers

I, Mohamed Fassi Fihri, Judge at 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 (hereinafter “the Tribunal”);

NOTING the Order of the President assigning a Judge to rule on the amendment of the indictment and orders pertaining thereto assigning me to rule on the matter pursuant to Rule 50(A)(i)(b) of the Rules of Procedure and Evidence of the Tribunal (hereinafter “the Rules”);

PURSUANT to Rules 47, 54 and 55 to 59 *bis* of the Rules;

NOTING the Prosecutor's Request for leave to amend the indictment and issue of warrant of arrest and order for surrender submitted by the Office of the Prosecutor on 27 June 2001 in which the confirming Judge is requested to authorise the amendment of the indictment so that the first name and date of birth of the accused are corrected and to issue a warrant of arrest to the Federal Republic of Yugoslavia, Bosnia and Herzegovina, Republika Srpska, SFOR and the Prosecutor (hereinafter “the Request”);

NOTING the annexes to the Request “inadvertently omitted” when the Request of 27 June was filed and submitted by the Office of the Prosecutor on 17 July 2001;

NOTING the Orders for clarification issued by Judges Fausto Pocar and Patricia Wald on 11 and 20 April 2001 respectively which refer to the fact that Dušan Knežević has been indicted in two different cases;

NOTING the Notice in response to Judge Wald's Order for clarification submitted by the Office of the Prosecutor on 27 June, in which the Office of the Prosecutor undertakes to comply with the Order for clarification when the amendment of the indictment is authorised;

HAVING HEARD the arguments presented by the Office of the Prosecutor in support of its Request on 17 July 2001;

NOTING the amended indictment re-submitted by the Office of the Prosecutor on 18 July 2001 which incorporates a reference to the exact identity of Dušan Knežević, that is his date and place of birth, as the Office of the Prosecutor was orally ordered to do on 17 July 2001;

CONSIDERING that the correction made by the Office of the Prosecutor brings the amendment sought into conformity with Rule 47(C) of the Rules which requires, *inter alia*, that the indictment “set forth the name and particulars of the suspect”;

CONSIDERING that the warrants of arrest and corresponding orders for transfer should be issued in order to reflect the amendment made to the indictment;

CONSIDERING, nonetheless, that the search for and arrest and transfer of an accused to the Tribunal do not form part of the functions assigned to the Prosecutor under Article 16 of the Statute of the Tribunal, and that Rule 55(G) of the Rules provides that “when an arrest warrant issued by the Tribunal is executed by the authorities of a State, or an appropriate authority or international body, a member of the Office of the Prosecutor may be present as from the time of the arrest”;

CONSIDERING that Rule 59 *bis*(A) of the Rules states that the Registrar may “on the order of a Judge” transmit to “the Prosecutor a copy of a warrant for the arrest of an accused [...] together with an order for the prompt transfer of the accused to the Tribunal in the event that the accused be taken into custody by [...] the Prosecutor”;

FOR THE FOREGOING REASONS,

GRANT the Request and **CONFIRM** the amended indictment filed on 18 July 2001, **ISSUE** a warrant of arrest addressed to the Federal Republic of Yugoslavia, Bosnia and Herzegovina, Republika Srpska and SFOR, **STATE** that there is no reason to issue a warrant of arrest addressed to the Prosecutor, and **ORDER** the Registrar to transmit a copy of the warrant of arrest to the Prosecutor pursuant to Rule 59 *bis* of the Rules.

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

Done this nineteenth day of July 2001
At The Hague
The Netherlands

(signed)

Judge Mohamed Fassi Fihri

[Seal of the Tribunal]