

Letter from the Registrar of the International Criminal Tribunal for the former Yugoslavia, Mr. Hans Holthuis, to the Federal Minister of Justice of the Federal Republic of Yugoslavia (FRY), Mr. Momcilo Grubac

**Press Release . Communiqué de presse
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**REGISTRY
GREFFE**

The Hague, 03 May 2001
JL/P.I.S./588e

**LETTER FROM THE REGISTRAR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, MR. HANS HOLTHUIS,
TO THE FEDERAL MINISTER OF JUSTICE OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (FRY), MR. MOMCILO GRUBAC**

Please find below a copy of the letter sent by the Registrar of the International Criminal Tribunal for the Former Yugoslavia, Mr. Hans Holthuis, to the Federal Minister of Justice of the FRY, Mr. Momcilo Grubac dated 26 April 2001.

26 April 2001

Case No. IT-99-37-I

Excellency,

Further to the letter of 25 April 2001 sent to you by the Prosecutor, Carla del Ponte, and with reference to the Indictment against Slobodan Milosevic and Others, which was confirmed by Judge Hunt on 24 May 1999, and the Warrant of Arrest and Order for Surrender of Slobodan Milosevic, which was issued by Judge Hunt on 22 January 2001, I refer to our meeting of 6 April 2001, and the assurances provided therein that the above Indictment and Arrest Warrant would be personally served on Mr. Milosevic by the Investigating Judge mandated with domestic investigation into Mr. Milosevic forthwith.

Pursuant to the Warrant of Arrest and Surrender, the authorities of the Federal Republic of Yugoslavia were directed to search for, arrest, detain, and surrender Mr. Milosevic to the International Criminal Tribunal for the former Yugoslavia ("the International Tribunal"). Rule 55 of the Rules of Procedure and Evidence of the International Tribunal stipulates that in order to execute an arrest warrant, the national authorities shall serve the arrest warrant on the accused personally, and that at the time of the arrest, the indictment and the statement of the rights of the accused shall be read or provided to the accused in a language that he understands, and that he should be cautioned in relation to his right against self-incrimination in that language.

The Warrant of Arrest and Surrender further directs that once this process of arrest has been effected, the authorities of the Federal Republic of Yugoslavia shall promptly notify the Registrar in order to commence arranging the transfer of Mr. Milosevic to the seat of the International Tribunal. At present, the International Tribunal has not received confirmation from the authorities of the Federal Republic of Yugoslavia that the arrest warrant was executed in accordance with the procedural requirements of the International Tribunal. I would therefore like to respectfully draw your attention to the fact that the authorities of the Federal Republic of Yugoslavia are required to act promptly, and with all due diligence to ensure the proper and effective execution of this arrest warrant, in accordance with Article 29 of the Statute.

Alternatively, if the national authorities are unable to execute this Warrant of Arrest and Surrender, then in accordance with Rule 59 of the Rules of Procedure and Evidence, they are required to report this fact to the Registrar of the International Tribunal immediately, detailing the reasons that have precluded the proper execution of the arrest warrant. With respect to the above-mentioned correspondence of the Prosecutor, I would like to clarify that the Rule 59 report regarding the service of the indictment and the execution of the arrest warrant should be directed to the Registrar of the International Tribunal.

In view of the assurances of expeditious co-operation that were tendered during our meeting, I am confident that the appropriate procedural requirements will be fully complied with and that the International Tribunal will not have occasion to consider the procedure for non-compliance, which is delineated in Rule 59(B). This provides that if, within a reasonable time after the arrest warrant or transfer order has been transmitted to the State, a report has not been provided on the action taken, this shall be deemed to be a failure to execute the arrest warrant or transfer order and the International Tribunal, through the President, may notify the Security Council of the United Nations accordingly.

Finally, I would like to invite you to give due consideration to the fact that the above procedural requirements are equally applicable to the other persons named in the Milosevic and Others Indictment; that is, Milan Milutinovic, Nikola Sainovic, Dragoljub Odjanic, and Vljako Stojiljkovic.

Please accept, Excellency, the assurances of my highest consideration.

Hans Holthuis
Registrar
