

[REDACTED] ANNEX A

INTERNATIONAL ARREST WARRANT (JOJIĆ)

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 13 May 2019

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Liu Daqun

Registrar: Mr. Olufemi Elias

Order of: 13 May 2019

IN THE CASE AGAINST

**PETAR JOJIĆ
VJERICA RADETA**

[REDACTED]

**INTERNATIONAL ARREST WARRANT
AND ORDER FOR SURRENDER**

To all United Nations Member States

I, LIU DAQUN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

CONSIDERING Article 28 of the Statute of the Mechanism (“Statute”) as well as Rules 55, 57 to 61, and 63 of the Rules of Procedure and Evidence of the Mechanism (“Rules”);

NOTING that, on 30 October 2012, a Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) issued an order *in lieu* of an indictment, charging Petar Jojić (“Jojić” or “Accused”) with contempt of the ICTY for having threatened, intimidated, offered bribes to or otherwise interfered with witnesses in the case of *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67;²

NOTING the warrant of arrest and order for surrender directed to the authorities of the Republic of Serbia (“Serbia”) and all United Nations Member States (“UN Member States”) in relation to Jojić, filed on 5 October 2016, ordering that the authorities of all UN Member States transfer the Accused to the ICTY upon his arrest;³

NOTING that, on 29 November 2017, the ICTY President ordered that the case against the Accused, as well as all judicial records in custody of the ICTY concerning this case, be transferred to the Mechanism;⁴

NOTING that, on 18 January 2018, a Single Judge of the Mechanism found that the Mechanism has jurisdiction over the case against the Accused in accordance with Article 1(4) of the Statute;⁵

¹ Order Replacing a Single Judge, 17 December 2018.

² *Prosecutor v. Svetozar Džigurski et al.*, Case No. IT-03-67-R77.5, Decision Issuing Order in Lieu of Indictment, 30 October 2012 (confidential and *ex parte*), Annex (“Order in Lieu of Indictment”), p. 3. *See In the Case Against Petar Jojić, Jovica Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order Lifting Confidentiality of Order in Lieu of Indictment and Arrest Warrants, 1 December 2015. I note that the Order in Lieu of Indictment was further revised, due in part to the deaths of the other co-accused, and that the operative indictment in this case is dated 17 August 2017. *See In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Revised Order in Lieu of Indictment, 17 August 2017, Annex B (confidential) (“Indictment”); *Prosecutor v. Svetozar Džigurski et al.*, Case No. IT-03-67-R77.5, Further Decision on Order in Lieu of Indictment, 5 December 2014 (confidential and *ex parte*).

³ *In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, International Arrest Warrant and Order for Surrender, 5 October 2016 (confidentiality lifted on 29 November 2016) (“ICTY Arrest Warrant”). *See also Prosecutor v. Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Warrant of Arrest and Order for Surrender of Petar Jojić, 19 January 2015 (confidentiality lifted on 1 December 2015).

⁴ *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order of Transfer to the International Residual Mechanism for Criminal Tribunals, 29 November 2017, p. 4. *See also Prosecutor v. Petar Jojić and Vjerica Radeta*, Case Nos. MICT-17-111-R90 & IT-03-67-R77.5, Certificate, 4 December 2017, Annex (confidential and *ex parte*).

⁵ Decision on Jurisdiction, 18 January 2018, p. 2.

NOTING the Order of 12 June 2018 referring the case against the Accused to the authorities of Serbia for trial pursuant to Articles 1(4), 6(2)(i), 6(2)(iii), and 6(4) of the Statute and Rule 14 of the Rules;⁶

NOTING that the Order Referring a Case to Serbia revoked the ICTY Arrest Warrant and issued a warrant of arrest directing the authorities and officers and agents of all UN Member States to secure the arrest, detention, and transfer of the Accused to Serbia;⁷

NOTING that on 12 December 2018 the Appeals Chamber of the Mechanism remanded the case to me to consider further submissions;⁸

NOTING the Decision of 13 May 2019 finding that the conditions for referral of this case to Serbia are not met and that it is in the interests of justice to revoke the Order Referring a Case to Serbia and the arrest warrant issued on 12 June 2018;⁹

HEREBY DIRECT the authorities and all officers and agents of all the UN Member States to act promptly with all due diligence to secure the arrest, detention, and transfer to the custody of the Mechanism of:

Petar JOJIĆ, born on [REDACTED], residing at [REDACTED],

ALLEGED to have committed the following crime:

contempt of the ICTY pursuant to Rule 77(A)(iv) of the Rules of Procedure and Evidence of the ICTY by interfering with a witness;

FURTHER ORDER that the authorities of all UN Member States promptly notify the Registrar of the Mechanism of the arrest of Jojić;

DIRECT the authorities and all officers and agents of all UN Member States to advise Jojić, at the time of his arrest and in a language he understands, of his rights as set forth in Article 19 of the Statute and, *mutatis mutandis*, in Rules 40 and 41 of the Rules, and to present him with the version of the Indictment attached to this warrant; and

⁶ Order Referring a Case to the Republic of Serbia, 12 June 2018 (confidential) (“Order Referring a Case to Serbia”), p. 5.

⁷ Order Referring a Case to Serbia, p. 5, Annexes A and B.

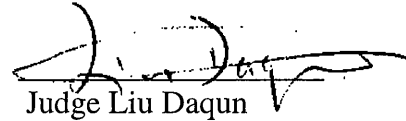
⁸ Decision on *Amicus Curiae’s* Appeal Against the Order Referring a Case to the Republic of Serbia, 12 December 2018, paras. 22-24.

⁹ Decision Re-examining the Referral of a Case to the Republic of Serbia, 13 May 2019, p. 5.

INSTRUCT the Registrar to attach to this warrant copies of Article 19 of the Statute, Rules 40 and 41 of the Rules, and the Indictment in English and B/C/S.

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

Done this 13th day of May 2019,
At The Hague,
The Netherlands



Judge Liu Daqun

[Seal of the Mechanism]

[REDACTED] ANNEX B

INTERNATIONAL ARREST WARRANT (RADETA)

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 13 May 2019

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Liu Daqun

Registrar: Mr. Olufemi Elias

Order of: 13 May 2019

IN THE CASE AGAINST

**PETAR JOJIĆ
VJERICA RADETA**

[REDACTED]

**INTERNATIONAL ARREST WARRANT
AND ORDER FOR SURRENDER**

To all United Nations Member States

I, LIU DAQUN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

CONSIDERING Article 28 of the Statute of the Mechanism (“Statute”) as well as Rules 55, 57 to 61, and 63 of the Rules of Procedure and Evidence of the Mechanism (“Rules”);

NOTING that, on 30 October 2012, a Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) issued an order *in lieu* of an indictment, charging Vjerica Radeta (“Radeta” or “Accused”) with contempt of the ICTY for having threatened, intimidated, offered bribes to or otherwise interfered with witnesses in the case of *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67;²

NOTING the warrant of arrest and order for surrender directed to the authorities of the Republic of Serbia (“Serbia”) and all United Nations Member States (“UN Member States”) in relation to Radeta, filed on 5 October 2016, ordering that the authorities of all UN Member States transfer the Accused to the ICTY upon her arrest;³

NOTING that, on 29 November 2017, the ICTY President ordered that the case against the Accused, as well as all judicial records in custody of the ICTY concerning this case, be transferred to the Mechanism;⁴

NOTING that, on 18 January 2018, a Single Judge of the Mechanism found that the Mechanism has jurisdiction over the case against the Accused in accordance with Article 1(4) of the Statute;⁵

¹ Order Replacing a Single Judge, 17 December 2018.

² *Prosecutor v. Svetozar Džigurski et al.*, Case No. IT-03-67-R77.5, Decision Issuing Order in Lieu of Indictment, 30 October 2012 (confidential and *ex parte*), Annex (“Order in Lieu of Indictment”), p. 3. *See In the Case Against Petar Jojić, Jovica Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order Lifting Confidentiality of Order in Lieu of Indictment and Arrest Warrants, 1 December 2015. I note that the Order in Lieu of Indictment was further revised, due in part to the deaths of the other co-accused, and that the operative indictment in this case is dated 17 August 2017. *See In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Revised Order in Lieu of Indictment, 17 August 2017, Annex B (confidential) (“Indictment”); *Prosecutor v. Svetozar Džigurski et al.*, Case No. IT-03-67-R77.5, Further Decision on Order in Lieu of Indictment, 5 December 2014 (confidential and *ex parte*).

³ *In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, International Arrest Warrant and Order for Surrender, 5 October 2016 (confidentiality lifted on 29 November 2016) (“ICTY Arrest Warrant”). *See also Prosecutor v. Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Warrant of Arrest and Order for Surrender of Vjerica Radeta, 19 January 2015 (confidentiality lifted on 1 December 2015).

⁴ *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order of Transfer to the International Residual Mechanism for Criminal Tribunals, 29 November 2017, p. 4. *See also Prosecutor v. Petar Jojić and Vjerica Radeta*, Case Nos. MICT-17-111-R90 & IT-03-67-R77.5, Certificate, 4 December 2017, Annex (confidential and *ex parte*).

⁵ Decision on Jurisdiction, 18 January 2018, p. 2.

NOTING the Order of 12 June 2018 referring the case against the Accused to the authorities of Serbia for trial pursuant to Articles 1(4), 6(2)(i), 6(2)(iii), and 6(4) of the Statute and Rule 14 of the Rules;⁶

NOTING that the Order Referring a Case to Serbia revoked the ICTY Arrest Warrant and issued a warrant of arrest directing the authorities and officers and agents of all UN Member States to secure the arrest, detention, and transfer of the Accused to Serbia;⁷

NOTING that on 12 December 2018 the Appeals Chamber of the Mechanism remanded the case to me to consider further submissions;⁸

NOTING the Decision of 13 May 2019 finding that the conditions for referral of this case to Serbia are not met and that it is in the interests of justice to revoke the Order Referring a Case to Serbia and the arrest warrant issued on 12 June 2018;⁹

HEREBY DIRECT the authorities and all officers and agents of all the UN Member States to act promptly with all due diligence to secure the arrest, detention, and transfer to the custody of the Mechanism of:

Vjerica RADETA, born on [REDACTED], residing at [REDACTED],

ALLEGED to have committed the following crime:

contempt of the ICTY pursuant to Rule 77(A)(iv) of the Rules of Procedure and Evidence of the ICTY by interfering with witnesses;

FURTHER ORDER that the authorities of all UN Member States promptly notify the Registrar of the Mechanism of the arrest of Radeta;

DIRECT the authorities and all officers and agents of all UN Member States to advise Radeta, at the time of her arrest and in a language she understands, of her rights as set forth in Article 19 of the Statute and, *mutatis mutandis*, in Rules 40 and 41 of the Rules, and to present her with the version of the Indictment attached to this warrant; and

⁶ Order Referring a Case to the Republic of Serbia, 12 June 2018 (confidential) (“Order Referring a Case to Serbia”), p. 5.

⁷ Order Referring a Case to Serbia, p. 5, Annexes A and B.

⁸ Decision on *Amicus Curiae*’s Appeal Against the Order Referring a Case to the Republic of Serbia, 12 December 2018, paras. 22-24.

⁹ Decision Re-examining the Referral of a Case to the Republic of Serbia, 13 May 2019, p. 5.