

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-17-111-R90-  
R78.1  
Date: 3 September 2021  
Original: English

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**BEFORE A SINGLE JUDGE**

**Before:** Judge Liu Daqun  
**Registrar:** Mr. Abubacarr Tambaou  
**Decision of:** 3 September 2021

**IN THE CASE AGAINST**

**PETAR JOJIĆ  
VJERICA RADETA**

***PUBLIC***

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**DECISION ON *AMICUS CURIAE* PROSECUTOR'S REQUEST  
FOR PRESERVATION OF EVIDENCE BY SPECIAL  
DEPOSITION**

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***Amicus Curiae* Prosecutor**

Ms. Diana Ellis  
Mr. Sam Blom-Cooper

**Duty Counsel for the Accused**

Mr. Dov Jacobs for Mr. Petar Jojić  
Ms. Sarah Valduriez for Ms. Vjerica Radeta

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

**RECALLING** that, on 13 May 2019, I found that the conditions for referral of this case to the Republic of Serbia (“Serbia”) are not met, revoked the order referring the case to Serbia, and consequently issued new international arrest warrants directing the authorities of all Member States of the United Nations to act promptly with all due diligence to secure the arrest, detention, and transfer of Petar Jojić (“Jojić”) and Vjerica Radeta (“Radeta”) (collectively, “Accused”) to the seat of the Mechanism in The Hague without delay (“Arrest Warrants”);<sup>2</sup>

**RECALLING** that, on 24 February 2020, the Appeals Chamber of the Mechanism affirmed the Decision of 13 May 2019;<sup>3</sup>

**RECALLING** that, on 8 December 2020, having considered that, despite Serbia’s position that it is unable to transfer the Accused to the Mechanism, Article 28 of the Statute of the Mechanism (“Statute”) expressly requires States to cooperate with the Mechanism and to comply, without undue delay, with any order for the arrest and transfer of accused to the Mechanism in relation to cases of contempt and that this obligation prevails over any domestic legal impediment, I requested Serbia to execute the Arrest Warrants and transfer the Accused to the Mechanism in The Hague without further delay, and I remained seized of the matter with a view to ascertaining compliance with the decision within 90 days of its issuance;<sup>4</sup>

**RECALLING** that, on 16 February 2021, I dismissed without prejudice the *Amicus Curiae* Prosecutor’s motion of 5 January 2021 for evidence in this case to be preserved by special deposition for a future trial pursuant to Rule 78 of the Rules of Procedure and Evidence of the Mechanism

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<sup>1</sup> Order Assigning a Single Judge to Consider an Application Pursuant to Rule 78, 4 February 2021 (confidential) (“Order of 4 February 2021”), p. 1.

<sup>2</sup> *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Decision Re-examining the Referral of a Case to the Republic of Serbia, 13 May 2019 (public with confidential and public redacted Annexes) (“Decision of 13 May 2019”), pp. 5, 6, Annexes A, B. *See also In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Public Redacted Version of the 12 June 2018 Order Referring a Case to the Republic of Serbia, 12 June 2018 (confidential version filed on the same day), p. 5.

<sup>3</sup> *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90-AR14.1, Decision on Republic of Serbia’s Appeal Against the Decision Re-examining the Referral of a Case, 24 February 2020 (“Decision of 24 February 2020”), paras. 18, 19.

<sup>4</sup> *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Decision Concerning the Referral of a Case to the Republic of Serbia, 8 December 2020 (“Decision of 8 December 2020”), pp. 4, 5.

(“Rules”)<sup>5</sup> as it was premature at the time to determine whether the provisions under Rule 78(E) of the Rules to order such a procedure had been satisfied;<sup>6</sup>

**NOTING** that, on 5 March 2021, Serbia submitted, *inter alia*, that: (i) its obligation to cooperate with the Mechanism in respect of arrest and transfer of accused is limited to accused charged with serious violations of international humanitarian law, as the crime of contempt is not foreseen in the Statute of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) or the law on cooperation of Serbia with the ICTY; (ii) the High Court of Belgrade decided that the requirements for arrest and surrender of the Accused were not fulfilled and this decision remains in effect; and (iii) it is willing to conduct the proceedings to determine the responsibility of the Accused;<sup>7</sup>

**NOTING** that, on 9 March 2021, the Registrar of the Mechanism (“Registrar”) appointed Duty Counsel to represent the interests of the Accused with respect to a potential procedure for preservation of evidence by special deposition pursuant to Rule 78 of the Rules (“Duty Counsel”);<sup>8</sup>

**BEING SEIZED OF** a motion, filed confidentially by the *Amicus Curiae* Prosecutor on 14 April 2021, *inter alia*, renewing the request to preserve evidence by special deposition pursuant to Rule 78 of the Rules,<sup>9</sup> and submitting that: (i) a reasonable time has passed since the issuance of the Arrest Warrants; (ii) Serbia, through its most recent submission on 5 March 2021, unambiguously and unequivocally refused to execute the Arrest Warrants and transfer the Accused to the Mechanism; and (iii) there is a real risk that death or incapacity of witnesses, who are of paramount importance to the prosecution of the case, may occur;<sup>10</sup>

**RECALLING** that, on 16 April 2021, considering that the Mechanism has requested Serbia to execute the Arrest Warrants in its judicial decisions dated 13 May 2019 and 8 December 2020 and that more than a year has passed since the Appeals Chamber’s Decision of 24 February 2020, which confirmed with finality Serbia’s obligation to arrest and transfer the Accused to the Mechanism, and observing that Serbia has not complied with the repeated requests of the Mechanism to execute the

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<sup>5</sup> See *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Request of the *Amicus Curiae* Prosecutor to Preserve Evidence by Special Deposition, 5 January 2021 (confidential) (“Motion of 5 January 2021”), paras. 1, 16.

<sup>6</sup> Decision on a Request to Preserve Evidence by Special Deposition, 16 February 2021 (confidential), p. 2.

<sup>7</sup> *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Letter from the Ministry of Justice of the Republic of Serbia, 5 March 2021 (confidential), Registry Pagination (“RP.”) 761-755.

<sup>8</sup> Decision, 9 March 2021 [with respect to Jojić], RP. 26; Decision, 9 March 2021 [with respect to Radeta], RP. 23. See also Order of 4 February 2021, p. 1.

<sup>9</sup> Renewed Request of the *Amicus Curiae* Prosecutor to Preserve Evidence by Special Deposition, 14 April 2021 (confidential) (“Motion of 14 April 2021”); Motion of 5 January 2021 (collectively, “Request for Preservation of Evidence”). See Motion of 14 April 2021, RP. 47, para. 8 (wherein the *Amicus Curiae* Prosecutor submits that the Motion of 14 April 2021 should be read in conjunction with the Motion of 5 January 2021).

<sup>10</sup> Motion of 5 January 2021, paras. 13-15. See also Motion of 14 April 2021, para. 7.

Arrest Warrants and transfer the Accused to the seat of the Mechanism in The Hague, I found that Serbia has failed to comply with its obligations under Article 28 of the Statute;<sup>11</sup>

**RECALLING** that, on 10 May 2021, I: (i) ordered the *Amicus Curiae* Prosecutor and the Duty Counsel to file submissions, addressing, as set out in Rule 78(E) of the Rules, whether I should grant the Request for Preservation of Evidence; and (ii) directed the Registrar to provide Duty Counsel with the relevant documents to fulfill their mission on appointment;<sup>12</sup>

**RECALLING** that, on 28 May 2021, following requests from Duty Counsel for access to *ex parte* material,<sup>13</sup> I suspended the Order of 10 May 2021 until further notice;<sup>14</sup>

**RECALLING** that, on 22 July 2021, I dismissed the Requests for Access, reinstated the briefing schedule set out in the Order of 10 May 2021, and ordered the *Amicus Curiae* Prosecutor and the Duty Counsel to file confidential submissions, addressing, as set out in Rule 78(E) of the Rules, whether I should grant the Request for Preservation of Evidence;<sup>15</sup>

**NOTING** the “Response in Support of the Rights of Vjerica Radeta to the ‘Decision on a Request for Access to *Ex Parte* Material’ of 22 July 2021”, filed confidentially on 11 August 2021, in which Duty Counsel for Radeta, *inter alia*, submits that the three conditions for preservation of evidence by special deposition under Rule 78(E) of the Rules are satisfied;<sup>16</sup>

**NOTING** “Petar Jojić’s Defence Submissions Pursuant to Order Issued by the Single Judge on 21 July 2021”, filed confidentially on 12 August 2021, in which Duty Counsel for Jojić submits that the conditions of Rule 78(E) of the Rules for preservation of evidence by special deposition have not been satisfied, since, *inter alia*: (i) only three months have passed since the Decision of 16 April 2021 and there is no evidence that would establish that the *Amicus Curiae* Prosecutor has made reasonable efforts to ensure the execution of the Arrest Warrants during this time;<sup>17</sup> (ii) Serbia has cooperated

<sup>11</sup> *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Decision on Failure of the Republic of Serbia to Execute Arrest Warrants, 16 April 2021 (“Decision of 16 April 2021”), pp. 4, 5. *See also* Decision of 8 December 2020, pp. 4, 5; Decision of 24 February 2020, paras. 18, 19; Decision of 13 May 2019, p. 6.

<sup>12</sup> Order for Submissions, 10 May 2021 (confidential) (“Order of 10 May 2021”), p. 3.

<sup>13</sup> *See* Defence Request for Documents Relevant to the Respect of the Rights of Petar Jojić in Special Deposition Proceedings, 26 May 2021 (original filed in French on 23 May 2021) (confidential); Response in Support of the Rights of Vjerica Radeta to the “Defence Request for Documents Relevant to the Respect of the Rights of Petar Jojić in Special Deposition Proceedings” filed on 23 May 2021, 27 May 2021 (original filed in French on 26 May 2021) (confidential) (collectively, “Requests for Access”).

<sup>14</sup> Order, 28 May 2021 (confidential), p. 2.

<sup>15</sup> Decision on a Request for Access to *Ex Parte* Material, 22 July 2021 (confidential), p. 4.

<sup>16</sup> Response in Support of the Rights of Vjerica Radeta to the “Decision on a Request for Access to *Ex Parte* Material” of 22 July 2021, 18 August 2021 (original filed in French on 11 August 2021) (confidential), paras. 17-21.

<sup>17</sup> Petar Jojić’s Defence Submissions Pursuant to Order Issued by the Single Judge on 21 July 2021, 17 August 2021 (original filed in French on 12 August 2021) (confidential) (“Jojić’s Submissions”), paras. 17-20.

fully with the Mechanism throughout the proceedings in this case by submitting its observations in a timely manner, making constructive suggestions for a resolution of the case, and it could be argued that “reasonable time” for the execution of the Arrest Warrants has not yet elapsed;<sup>18</sup> and (iii) it is not in the interests of justice to lay the foundations for a future trial given that the charges against Jojić are not of the “same nature”, “seriousness”, or “*prima facie* strength” as those in other cases of preservation of evidence by special deposition, and a conviction in a trial solely on the basis of testimony preserved by special deposition could never be fair;<sup>19</sup>

**NOTING** the “Submissions of the *Amicus Curiae* Prosecutor on the Preservation of Evidence by Special Deposition”, filed confidentially on 12 August 2021, in which the *Amicus Curiae* Prosecutor submits and reiterates that: (i) reasonable efforts have been made to execute the Arrest Warrants;<sup>20</sup> (ii) the execution of the Arrest Warrants is not likely to take place within a reasonable time;<sup>21</sup> and (iii) granting the request for preservation of evidence by special deposition is in the interests of justice, as, *inter alia*, there is a real risk that death or incapacity of witnesses, who are of paramount importance to the prosecution of the case, may occur;<sup>22</sup>

**NOTING** “Vjerica Radeta’s Defence Response to the Request for Preservation of Evidence Following the Order Issued by the Single Judge on 22 July 2021”, filed confidentially on 19 August 2021, in which Duty Counsel for Radeta submits, *inter alia*, that the *Amicus Curiae* Prosecutor has not demonstrated that using the procedure of Rule 78 of the Rules would be in the interests of justice in this case and requests that the Request for Preservation of Evidence be denied;<sup>23</sup>

**NOTING** “Petar Jojić’s Defence Response to ‘Submissions of the *Amicus Curiae* Prosecutor on the Preservation of Evidence by Special Deposition’”, filed confidentially on 19 August 2021, in which Duty Counsel for Jojić reiterates earlier submissions and requests that the Request for Preservation of Evidence be denied;<sup>24</sup>

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<sup>18</sup> Jojić’s Submissions, paras. 21-23.

<sup>19</sup> Jojić’s Submissions, paras. 24-33. *See also* Jojić’s Submissions, paras. 14, 15 (wherein Jojić submits, *inter alia*, that the procedure of Rule 78 of the Rules has never been implemented in a contempt case and its criteria should be implemented strictly to avoid any undermining of the fairness of the proceedings).

<sup>20</sup> Submissions of the *Amicus Curiae* Prosecutor on the Preservation of Evidence by Special Deposition, 12 August 2021 (confidential) (“*Amicus Curiae* Prosecutor’s Submissions”), paras. 19-21. *See also* Motion of 5 January 2021, para. 14; *Amicus Curiae* Prosecutor’s Submissions, paras. 17, 18, 37, 38.

<sup>21</sup> *Amicus Curiae* Prosecutor’s Submissions, paras. 22-28. *See also* Motion of 5 January 2021, para. 14; Motion of 14 April 2021, para. 5.

<sup>22</sup> *Amicus Curiae* Prosecutor’s Submissions, paras. 2, 31. *See also* Motion of 5 January 2021, paras. 3-5, 13-15; Motion of 14 April 2021, para. 7; *Amicus Curiae* Prosecutor’s Submissions, paras. 29, 30, 32-36, 39, 40.

<sup>23</sup> Vjerica Radeta’s Defence Response to the Request for Preservation of Evidence Following the Order Issued by the Single Judge on 22 July 2021, 24 August 2021 (original filed in French on 19 August 2021) (confidential), paras. 17-23.

<sup>24</sup> Petar Jojić’s Defence Response to “Submissions of the *Amicus Curiae* Prosecutor on the Preservation of Evidence by Special Deposition”, 25 August 2021 (original filed in French on 19 August 2021) (confidential), paras. 15-20.

**NOTING** the “Reply of the *Amicus Curiae* Prosecutor to the Response on Behalf of Petar Jojić re the Preservation of Evidence by Special Deposition”, filed confidentially on 20 August 2021, in which the *Amicus Curiae* Prosecutor submits, *inter alia*, that the preserved evidence will only be used “if the witnesses cease to be able to give live testimony” and, in any event, the strength of the evidence can be tested at a later stage;<sup>25</sup>

**RECALLING** that, pursuant to Rules 78(D) and (E) of the Rules, upon hearing the confidential submissions of the Prosecutor and Counsel representing the interests of the accused, the Single Judge may grant a request for preservation of evidence by special deposition if satisfied that: (i) reasonable efforts have been made to execute the arrest warrant; (ii) the execution of the arrest warrant is not likely to take place within a reasonable time; and (iii) it is in the interests of justice to do so;<sup>26</sup>

**CONSIDERING** that the Mechanism has requested Serbia to execute the Arrest Warrants in its judicial decisions dated 13 May 2019 and 8 December 2020, and that more than a year and a half has passed since the Decision of 24 February 2020, which confirmed with finality Serbia’s obligation to arrest and transfer the Accused to the Mechanism;<sup>27</sup>

**CONSIDERING FURTHER** that it is undisputed that the Accused are in Serbia and that the non-execution of the Arrest Warrants is due to Serbia’s maintained position that domestic legal impediments preclude the requested arrest and transfer of the Accused to the Mechanism, despite numerous decisions of the ICTY and the Mechanism rejecting Serbia’s reliance on purported domestic legal impediments for failing to execute arrest warrants against the Accused;<sup>28</sup>

**FINDING**, therefore, that reasonable efforts have been made to execute the Arrest Warrants and that their execution is unlikely to take place within a reasonable time;

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<sup>25</sup> Reply of the *Amicus Curiae* Prosecutor to the Response on Behalf of Petar Jojić re the Preservation of Evidence by Special Deposition, 20 August 2021 (confidential), paras. 10-18.

<sup>26</sup> See Order of 10 May 2021, p. 3, referring to *The Prosecutor v. Protais Mpiranya*, Case No. ICTR-00-56AR71bis, Order for Submissions, 18 February 2011, para. 2; *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-R71bis, Order for Submissions, 18 February 2011, para. 2 (ordering the submissions to be made in writing).

<sup>27</sup> See *supra* n. 11.

<sup>28</sup> See Decision of 16 April 2021, pp. 4, 5, n. 19 and references cited therein. See also *supra* n. 7. In this regard, I also note the submission indicating that the Accused are aware of the indictment against them. See Response of *Amicus Curiae* Prosecutor to the Update from the Republic of Serbia & Request to Notify the President of the Mechanism of Serbia’s Ongoing Non-Cooperation, 7 September 2020 (confidential) (public redacted version filed on 8 September 2020), para. 12, Annex A. See also *The Prosecutor v. Félicien Kabuga*, Case No. ICTR-98-44B-R71bis, Decision on the Prosecutor’s Request for Preservation of Evidence by Special Deposition for a Future Trial (Pursuant to Rule 71bis), 15 March 2011 (“*Kabuga* Decision of 15 March 2011”), para. 12 (wherein the Trial Chamber of the International Criminal Tribunal for Rwanda considered the likelihood that the fugitive accused is aware of the arrest warrant against him, when assessing the possibility of the arrest warrant being executed within a reasonable time).

**CONSIDERING** that the purpose of the procedure under Rule 78 of the Rules is to preserve evidence that might otherwise deteriorate or be lost while a person indicted or wanted remains at large and to prevent a fugitive accused from avoiding effective prosecution and obstructing the proper administration of justice, and that, therefore, it is in the interests of justice to secure evidence, particularly evidence related to the acts and conduct of the accused, for use in a future trial in the event that a witness later becomes unavailable;<sup>29</sup>

**CONSIDERING** that preservation of evidence by special deposition has been found to be in the interests of justice in circumstances, *inter alia*, where there is an increased risk of deterioration of evidence with the passage of time and the possibility of the further loss of evidence resulting from the demise of witnesses;<sup>30</sup>

**CONSIDERING** that the first indictment against the Accused in relation to the allegations in this case was issued in 2012,<sup>31</sup> and that the Operative Indictment relies on the evidence of four witnesses,<sup>32</sup> one of whom has passed away in the meantime;<sup>33</sup>

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<sup>29</sup> *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-R71bis, Decision on the Duty Counsel’s Request for Preservation of Evidence by Special Deposition for Future Trial (Pursuant to Rule 71bis(I) of the Rules of Procedure and Evidence), 14 March 2012 (confidential) (“*Bizimana* Decision of 14 March 2012”), para. 2; *The Prosecutor v. Félicien Kabuga*, Case No. ICTR-98-44B-R71bis, Decision on the Duty Counsel’s Request for Preservation of Evidence by Special Deposition for Future Trial (Pursuant to Rule 71bis(I) of the Rules of Procedure and Evidence), 31 January 2012 (strictly confidential), para. 3. See also *The Prosecutor v. Protais Mpiranya*, Case No. ICTR-00-56A-71bis, Decision on Duty Counsel’s Request for the Preservation of Evidence by Way of Special Deposition in the Case Against Protais Mpiranya (Rule 71bis of the Rules of Procedure and Evidence), 16 February 2012 (confidential) (“*Mpiranya* Decision of 16 February 2012”), para. 5.

<sup>30</sup> *The Prosecutor v. Augustin Bizimana*, Case No. ICTR-98-44F-R71bis, Decision on the Prosecutor’s Request for Preservation of Evidence by Special Deposition for a Future Trial (Pursuant to Rule 71bis), 5 May 2011 (“*Bizimana* Decision of 5 May 2011”), para. 15; *Kabuga* Decision of 15 March 2011, para. 17; *The Prosecutor v. Protais Mpiranya*, Case No. ICTR-00-56A-71bis, Decision on Motion for the Preservation of Evidence by Special Deposition for a Future Trial, 3 March 2011 (“*Mpiranya* Decision of 3 March 2011”), para. 6. I note that, while an accused’s position as a high-profile fugitive and the importance of his apprehension and trial to the many victims of his alleged crimes have been considered when determining whether preserving evidence by special deposition is in the interests of justice, these factors are nevertheless not determinative requirements. See *Bizimana* Decision of 5 May 2011, para. 15; *Kabuga* Decision of 15 March 2011, para. 17; *Mpiranya* Decision of 3 March 2011, para. 6.

<sup>31</sup> *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*) (“Order in Lieu of Indictment”), Annex, p. 3. See *In the Case Against Petar Jojić, Jovo 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. The Order in Lieu of Indictment was further revised, in part due to the deaths of the other co-accused, and 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 (public with confidential and *ex parte* Annex A, confidential Annex B, and public Annex C) (“Operative Indictment”).

<sup>32</sup> See Operative Indictment, Annex C; Decision of 13 May 2019, p. 5, n. 20. See also *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Response to Order for Submissions Concerning the Importance of Witness Evidence & the Impact on Proceedings of Witness Non-Appearance at Trial, 15 April 2019 (strictly confidential and *ex parte*; public redacted version filed on the same day).

<sup>33</sup> See *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Registrar’s Submission in Compliance with the Order of 14 September 2020, 13 October 2020 (public with confidential and *ex parte* Annex), Annex, para. 4, RP. 704, 703.

**FINDING**, therefore, that, in the circumstances of the present case, preservation of evidence by special deposition is in the interests of justice;

**FINDING**, in light of the above, that the conditions of Rule 78(E) of the Rules are satisfied and that preserving the Prosecution evidence by special deposition is warranted in the present circumstances;

**CONSIDERING** that, pursuant to Rules 78(J) and 86 of the Rules, protective measures may be granted to witnesses whose evidence will be preserved by special deposition under Rule 78 of the Rules, and that it is appropriate to instruct the *Amicus Curiae* Prosecutor to disclose relevant information to Duty Counsel in preparation of the forthcoming special deposition proceedings;<sup>34</sup>

**RECALLING** that, pursuant to Rule 78(G) of the Rules, when granting a request for preservation of evidence by special deposition pursuant to Rules 78(A) and (E), the Single Judge shall, *inter alia*, request the Registrar to: (i) issue a public notice of the decision and the arrest warrant against the accused; and (ii) assign Counsel representing the interests of the accused such staff as the Registrar deems necessary;

**RECALLING** that, pursuant to Rule 78(H) of the Rules, the Registrar shall transmit the notice to the national authority of the concerned State or States, with the aim to notify the public including, if possible, the family of the accused, that, pursuant to a decision of the Mechanism, the taking of special depositions for the preservation of evidence will commence after the expiry of 30 days from the date of this notification;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rules 78(E), (G), and (H) of the Rules,

**HEREBY GRANT** the Request for Preservation of Evidence;

**ORDER** the taking of the evidence of Prosecution witnesses by special deposition, the time and modality of which will be specified in a further order;

**INSTRUCT** the *Amicus Curiae* Prosecutor to file within 14 days from the issuance of the present Decision:

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<sup>34</sup> See *Mpiranya* Decision of 16 February 2012, para. 16. See also *Bizimana* Decision of 14 March 2012, para. 9.



- (i) an *ex parte* submission listing the witnesses whose evidence she seeks to preserve, any prior witness statements, and a summary of the topics on which the proposed witnesses are expected to provide evidence; and
- (ii) any request for protective measures and/or redactions to the witness statements prior to their disclosure to Duty Counsel;

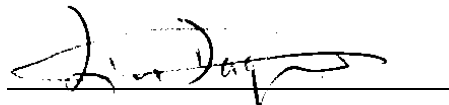
**REQUEST** the Registrar to:

- (i) issue a public notice of this Decision and the Arrest Warrants;
- (ii) assign Counsel representing the interests of the Accused such staff as the Registrar deems necessary; and
- (iii) inform me of the date when the notification prescribed in Rule 78(H) of the Rules has been given.

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

Done this 3<sup>rd</sup> day of September 2021,  
At The Hague,  
The Netherlands



Judge Liu Daqun  
Single Judge

**[Seal of the Mechanism]**



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DEPOT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

<b>To/ À :</b>	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/ <i>La Haye</i>
<b>From/ De :</b>	<input type="checkbox"/> President / <i>Président</i>	<input checked="" type="checkbox"/> Chambers / <i>Chambre</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
	<input type="checkbox"/> Registrar / <i>Greffier</i>	<input type="checkbox"/> Other/ <i>Autre</i>	<input type="checkbox"/> Defence / <i>Défense</i>
<b>Case Name/ Affaire :</b>	<b>IN THE CASE AGAINST PETAR JOJIĆ, VJERICA RADETA</b>	<b>Case Number/ Affaire n° :</b>	<b>MICT-17-111-R90-R78.1</b>
<b>Date Created/ Daté du :</b>	<b>3 September 2021</b>	<b>Date transmitted/ Transmis le :</b>	<b>3 September 2021</b>
			<b>No. of Pages/ Nombre de pages :</b> <b>9</b>
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Other/Autre (specify/préciser) :
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<b>Title of Document/ Titre du document :</b>	<b>DECISION ON AMICUS CURIAE PROSECUTOR'S REQUEST FOR PRESERVATION OF EVIDENCE BY SPECIAL DEPOSITION</b>		
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
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<input checked="" type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
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Rev: August 2019/ *Rév. : Août 2019*