

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 17 July 2018

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before: Judge Theodor Meron, President**

**Registrar: Mr. Olufemi Elias**

**Order of: 17 July 2018**

**IN THE CASE AGAINST**

**PETAR JOJIĆ  
VJERICA RADETA**

***PUBLIC***

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**ORDER ASSIGNING JUDGES TO A CASE BEFORE THE  
APPEALS CHAMBER**

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**Amicus Curiae Prosecutor:**

Ms. Diana Ellis  
Mr. Sam Blom-Cooper

**Office of the Prosecutor:**

Mr. Serge Brammertz

**Government of the Republic of Serbia**

**I, THEODOR MERON**, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

**NOTING** the confidential and *ex parte* “Decision Issuing Order in Lieu of Indictment” issued by a Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) on 30 October 2012 in the case of *Prosecutor v. Svetozar Džigurski et al.*, Case No. IT-03-67-R77.5 (“Order in Lieu of Indictment”), charging, *inter alia*, Petar Jojić (“Jojić”) and Vjerica Radeta (“Radeta”) with contempt of the ICTY for knowingly and wilfully having threatened, intimidated, offered bribes to or otherwise interfered with witnesses in the case of *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67;<sup>1</sup>

**NOTING** the “Revised Order in Lieu of Indictment” issued on 17 August 2017 by ICTY Trial Chamber I *In the case against Petar Jojić et al.*, Case No. IT-03-67-R77.5 (“Revised Order in Lieu of Indictment”), whereby the ICTY Trial Chamber terminated proceedings against a co-accused and issued a revised order *in lieu* of an indictment in the case against Jojić and Radeta;<sup>2</sup>

**NOTING** the “Decision Returning Case to President” issued by the ICTY Trial Chamber I on 2 November 2017 *In the case against Petar Jojić and Vjerica Radeta*, Case No. IT-03-67-R77.5 (“Decision Returning Case to President” and “*Jojić and Radeta* case”, respectively), whereby the ICTY Trial Chamber referred the case against Jojić and Radeta back to the President of the ICTY, *inter alia*, urging him to “refer the case to the [Mechanism] President for further processing” on the basis that the ICTY will close before the case against Jojić and Radeta can be heard;<sup>3</sup>

**NOTING** the “Order of Transfer to the International Residual Mechanism for Criminal Tribunals” issued by the President of the ICTY on 29 November 2017 in the *Jojić and Radeta* case (“Transfer Order”), wherein he, *inter alia*, ordered that the case against Jojić and Radeta, “as well as all judicial records in the custody of the [ICTY] concerning this case, be transferred to the Mechanism”;<sup>4</sup>

**NOTING** the “Decision on Jurisdiction” issued by Judge Aminatta Lois Runeni N’gum in her capacity as Single Judge on 18 January 2018 (“Decision on Jurisdiction”), finding that the Mechanism has jurisdiction over the case and referring the matter back to the President for

<sup>1</sup> Order *in Lieu* of Indictment, p. 2.

<sup>2</sup> Revised Order *in Lieu* of Indictment, pp. 1-2.

<sup>3</sup> Decision Returning Case to President, paras. 10, 13.

<sup>4</sup> Transfer Order, p. 4.

appointment of a Single Judge to consider referral of the case to the authorities of a State in accordance with Article 6 of the Statute of the Mechanism (“Statute”);<sup>5</sup>

**NOTING** the “Order Referring a Case to the Republic of Serbia” issued by Judge Aydin Sefa Akay in his capacity as Single Judge on 12 June 2018 (“Referral Order”), wherein he, *inter alia*, ordered that the case against Jojić and Radeta “be referred to the authorities of [the Republic of] Serbia for trial”;<sup>6</sup>

**NOTING** the “Notice of Appeal against the Order Referring a Case to the Republic of Serbia” filed by the *Amicus Curiae* Prosecutor (“Prosecutor”) on 26 June 2018 (“Notice of Appeal”), wherein the Prosecutor, *inter alia*, requests that the Appeals Chamber of the Mechanism quash the Referral Order and order that the case be retained by the Mechanism for trial;<sup>7</sup>

**NOTING** the “Appeal Brief against the Order Referring a Case to the Republic of Serbia” filed by the Prosecutor on 11 July 2018;

**NOTING** the “Comments of the Republic of Serbia on the Notice of Appeal of the *Amicus Curiae* Prosecutor of 26 June 2018” filed confidentially on 13 July 2018;

**RECALLING** that, pursuant to Rule 23(A) of the Rules of Procedure and Evidence of the Mechanism, the President shall coordinate the work of the Chambers;

**PURSUANT** to Article 12(3) of the Statute,

**HEREBY ASSIGN** the Notice of Appeal to a Bench composed as follows:

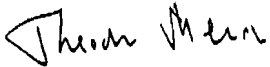
Judge Theodor Meron, Presiding

Judge William Hussein Sekule

Judge Ivo Nelson de Caires Batista Rosa

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

Done this 17th day of July 2018,  
At The Hague,  
The Netherlands.

  
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Judge Theodor Meron  
President

**[Seal of the Mechanism]**

<sup>5</sup> Decision on Jurisdiction, p. 2.

<sup>6</sup> Referral Order, p. 5.

<sup>7</sup> Notice of Appeal, p. 6.