

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 15 February 2018

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Aydin Sefa Akay

Registrar: Mr. Olufemi Elias

Order of: 15 February 2018

IN THE CASE AGAINST

**PETAR JOJIĆ
VJERICA RADETA**

PUBLIC

ORDER FOR SUBMISSIONS

Office of the Prosecutor

Mr. Serge Brammertz

Amicus Curiae Prosecutor

Ms. Diana Ellis

Government of the Republic of Serbia

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

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, *inter alios*, Petar Jojić and Vjerica Radeta (collectively, “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 warrants of arrest and orders for surrender in relation to the Accused that were issued by the ICTY and directed to the authorities of the Republic of Serbia (“Serbia”) and all United Nations Member States;³

NOTING that, on 29 November 2017, the ICTY President, noting that Serbia had failed to cooperate with the ICTY to arrest and surrender the Accused, and that it was ultimately for the Mechanism to decide whether it has jurisdiction, ordered that the case against the Accused, as well as all judicial records in the custody of the ICTY concerning this case, be transferred to the Mechanism;⁴

¹ Order Assigning a Single Judge to Consider a Matter, 24 January 2018, p. 2.

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, including due to the deaths of 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 *See 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 [re Jojić], 5 October 2016 (confidential and *ex parte*); *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 [re Radeta], 5 October 2016 (confidential and *ex parte*); *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 (confidential); *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 (confidential). *See also In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order Lifting Confidentiality of International Arrest Warrants, 29 November 2016, p. 2, Annexes A and B (public redacted); *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, p. 1, Annexes C and D (public redacted).

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, pp. 1, 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*) (certifying, *inter alia*, that all judicial records in the case against the Accused – case number IT-03-67-R77.5 – have been “transferred, considered cross-filed and shall form part of the case number MICT-17-111-R90”).

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 of the Mechanism (“Statute”);⁵

NOTING that, Article 1(4) of the Statute provides, in relevant part, that before proceeding to try persons for contempt, the Mechanism shall consider referring the case to the authorities of a State in accordance with Article 6 of the Statute, taking into account the interests of justice and expediency, and that Article 6(2) of the Statute provides that the Mechanism shall determine whether the case should be referred to the authorities of a State: (i) in whose territory the crime was committed; or (ii) in which the accused was arrested; or (iii) having jurisdiction and being willing and adequately prepared to accept such a case;

NOTING that the crimes charged in the Indictment were allegedly committed in Serbia;⁶

CONSIDERING that written submissions from Serbia on its jurisdiction, willingness, and preparedness to accept this case for trial would facilitate the determination, in accordance with Articles 1(4) and 6 of the Statute, as to whether referring the case to Serbia would serve the interests of justice and the expediency of the proceedings;

FOR THE FOREGOING REASONS,

PURSUANT TO Article 6 of the Statute and Rule 55 of the Rules of Procedure and Evidence of the Mechanism;

ORDER the Registrar to serve the present Order on Serbia together with a copy of the Indictment; and

INVITE Serbia to provide, within 30 days of the present Order, written submissions on its jurisdiction, willingness, and preparedness to accept this case for trial.

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

Done this 15th day of February 2018,
At The Hague,
The Netherlands



Judge Aydin Sefa Akay

[Seal of the Mechanism]

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

⁶ See Indictment, Registry Pagination 861-858.



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MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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Case Name/ Affaire :	IN THE CASE AGAINST PETAR JOJIĆ AND VJERICA RADETA		Case Number/ Affaire n° :	MICT-17-111-R90	
Date Created/ Daté du :	15 February 2018	Date transmitted/ Transmis le :	15 February 2018	No. of Pages/ Nombre de pages :	3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
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