

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 20 February 2019

Original: English

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**BEFORE A SINGLE JUDGE**

**Before:** Judge Liu Daqun

**Registrar:** Mr. Olufemi Elias

**Order of:** 20 February 2019

**IN THE CASE AGAINST**

**PETAR JOJIĆ  
VJERICA RADETA**

***PUBLIC***

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**ORDER FOR SUBMISSIONS**

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**Office of the Prosecutor:**

Mr. Serge Brammertz

**Amicus Curiae Prosecutor:**

Ms. Diana Ellis QC

Mr. Sam Bloom-Cooper

**Government of the Republic of Serbia**

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

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 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;<sup>2</sup>

NOTING that on 5 February 2018 the Registrar appointed an *Amicus Curiae* Prosecutor in the case against the Accused;<sup>3</sup>

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”);<sup>4</sup>

NOTING that on 12 June 2018 another Single Judge of the Mechanism ordered the case against the Accused to be referred to the authorities of Serbia for trial;<sup>5</sup>

NOTING the appeal against the referral of the case to Serbia filed by the *Amicus Curiae* Prosecutor;<sup>6</sup>

NOTING that on 12 December 2018 the Appeals Chamber of the Mechanism found that the *Amicus Curiae* Prosecutor had not raised before the Single Judge the issue of “the unwillingness of the witnesses to testify [...] in Serbia” and accordingly remanded this matter to the Single Judge to

<sup>1</sup> Order Replacing a Single Judge, 17 December 2018.

<sup>2</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*), 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), Annex C; *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*).

<sup>3</sup> Decision, 5 February 2018, Registry Pagination 29.

<sup>4</sup> Decision on Jurisdiction, 18 January 2018, p. 2.

<sup>5</sup> Public Redacted Version of the 12 June 2018 Order Referring a Case to the Republic of Serbia, 12 June 2018, p. 5.

<sup>6</sup> Notice of Appeal Against the Order Referring a Case to the Republic of Serbia, 26 June 2018; Appeal Brief Against the Order Referring a Case to the Republic of Serbia, 11 July 2018.

consider further submissions from the *Amicus Curiae* Prosecutor, Serbia, and, if necessary, the Witness Support and Protection Unit of the Mechanism (“WISP”);<sup>7</sup>

**BEING SEISED OF** a confidential and *ex parte* request filed by the *Amicus Curiae* Prosecutor on 18 December 2018 seeking sufficient time to allow her to prepare her further submissions;<sup>8</sup>

**BEING ALSO SEISED OF** the further submissions filed by the *Amicus Curiae* Prosecutor on 8 February 2019 arguing that “there is no prospect” of a trial in Serbia as witnesses important to the case are “categorically” unwilling to be witnesses in proceedings in Serbia due to ongoing fears for their safety;<sup>9</sup>

**NOTING** that the *Amicus Curiae* Prosecutor filed the Further Submissions prior to adjudication of the Request for Time to Respond;

**CONSIDERING** that further submissions from Serbia and the WISP addressing specifically the arguments raised in the Further Submissions by the *Amicus Curiae* Prosecutor would be of assistance in determining whether it is in the interests of justice to refer this case to Serbia for trial;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Articles 1(4) and 6 of the Statute and Rule 55 of the Rules of Procedure and Evidence of the Mechanism;

**ORDER** the Government of Serbia and the WISP to file any further submissions addressing specifically the arguments made in the Further Submissions by the *Amicus Curiae* Prosecutor within two weeks of the Present Order;

**INSTRUCT** that, should the Government of Serbia and the WISP deem necessary to file their further submissions confidentially, they file in addition to any confidential version a public redacted version; and

**DISMISS** the Request for Time to Respond as moot.

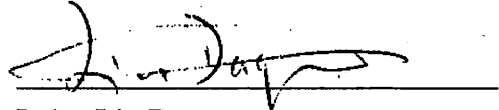
Done in English and French, the English version being authoritative.

<sup>7</sup> Decision on *Amicus Curiae*’s Appeal Against the Order Referring a Case to the Republic of Serbia, 12 December 2018, paras. 22-24.

<sup>8</sup> Request for Time to Respond to the Decision of the Appeals Chamber Dated 12 December 2018, 18 December 2018 (confidential and *ex parte*) (“Request for Time to Respond”), paras. 1-5.

<sup>9</sup> Submissions Pursuant to the Decision of the Appeals Chamber Dated 12 December 2018, 8 February 2019 (confidential and *ex parte* with Annex A and confidential and *ex parte* annexes B-F) (“Further Submissions”), paras. 1-16. I note that the *Amicus Curiae* Prosecutor filed a public redacted version of the Further Submissions on 8 February 2019.

Done this 20<sup>th</sup> day of February 2019,  
At The Hague,  
The Netherlands



Judge Liu Daqun  
Single Judge

**[Seal of the Mechanism]**