



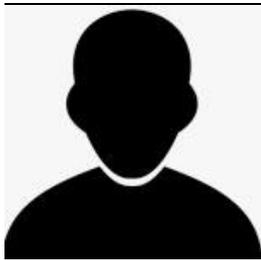
The International Residual Mechanism for Criminal Tribunals (“Mechanism”) was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda (“ICTR”) and the International Criminal Tribunal for the former Yugoslavia (“ICTY”), which closed in 2015 and 2017, respectively.

CASE INFORMATION SHEET

On 13 May 2019, Judge Liu Daqun found that the conditions for the referral of the case against Petar Jojić and Vjerica Radeta to the Republic of Serbia were not met and that it was in the interests of justice to revoke the existing referral order. On 24 February 2020, the Appeals Chamber of the Mechanism dismissed the appeal of the Republic of Serbia against Judge Liu’s decision and affirmed the decision.

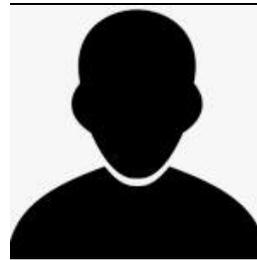
MICT-17-111-R90

PETAR JOJIĆ & VJERICA RADETA



PETAR JOJIĆ

A Serbian politician and a lawyer who served on the defence team of Vojislav Šešelj.



VJERICA RADETA

A Serbian politician and a lawyer who served on the defence team of Vojislav Šešelj.

Indictment

A confidential order *in lieu* of an indictment, which was issued by the ICTY on 30 October 2012, was revised and made public on 1 December 2015. This order was further revised and the operative order *in lieu* of an indictment in this case was issued by the ICTY on 17 August 2017.

IRMCT Single Judge

Judge Liu Daqun

Status of the Case

International arrest warrants and orders for surrender of Petar Jojić and Vjerica Radeta are yet to be executed.

PROCEEDINGS BEFORE THE MECHANISM (ONGOING)

Following the Order of 29 November 2017, in which the President of the ICTY transferred the case against Petar Jojić and Vjerica Radeta (“Accused”) to the Mechanism, on 18 January 2018, Judge Aminatta Lois Runeni N’gum found that the Mechanism had jurisdiction over the case in accordance with Article 1(4) of the Statute of the Mechanism.

On 12 June 2018, Judge Aydin Sefa Akay ordered that the case against the Accused be referred to the authorities of the Republic of Serbia for trial, as provided for in Article 6(4) of the Statute of the Mechanism. On 12 December 2018, upon an appeal by the *Amicus Curiae* Prosecutor in the case, the Appeals Chamber of the Mechanism, composed of Judge Theodor Meron (Presiding), Judge William Hussein Sekule and Judge Ivo Nelson de Caires Batista Rosa, remanded the matter to a Single Judge to consider further submissions from the *Amicus Curiae* Prosecutor, the Republic of Serbia, and if necessary, the Mechanism’s Witness Support and Protection Unit, on the willingness of the witnesses to testify in Serbia.

In his decision of 13 May 2019, Judge Liu Daqun re-examined the matter. Judge Liu found that the conditions for the referral of the case to the Republic of Serbia were not met, and that it was in the interests of justice to revoke the Order of 12 June 2018 and the arrest warrants issued on 12 June 2018. In addition, he issued new international arrest warrants against the Accused. On 24 February 2020, the Appeals Chamber of the Mechanism, composed of Judge Carmel Agius (Presiding), Judge José Ricardo de Prada Solaesa and Judge Graciela Susana Gatti Santana, dismissed the appeal filed against Judge Liu’s decision by the Republic of Serbia on 8 July 2019 and affirmed the decision to revoke the referral order.

In his decision of 8 December 2020, Judge Liu Daqun requested the Republic of Serbia to execute the arrest warrants and related transfer orders against the Accused, as set out in his decision of 13 May 2019, without further delay. Judge Liu Daqun further remained seised of the matter to ascertain compliance with his decision within 90 days.



In his decision of 16 April 2021, Judge Liu Daqun found that the Republic of Serbia has failed to comply with its obligations under Article 28 of the Mechanism's Statute to arrest the Accused and transfer them to the Mechanism, and requested the President of the Mechanism to notify the United Nations Security Council.

INDICTMENT

In accordance with Article 1(4)(a) of its Statute, the Mechanism has the power to prosecute any person who knowingly and willfully interferes with or has interfered with the administration of justice by the Mechanism, the ICTY or the ICTR, and to hold such person in contempt. Rule 90(B) of the Rules of Procedure and Evidence of the Mechanism provides that any incitement or attempt to commit any of the acts punishable as contempt of the Mechanism, the ICTY or the ICTR, is punishable as contempt with the same penalties.

A confidential order *in lieu* of indictment against Petar Jojić and Vjerica Radeta was initially issued by a Trial Chamber of the ICTY on 30 October 2012, charging the Accused with contempt of the ICTY pursuant to Rule 77(A)(iv) of the ICTY's Rules of Procedure and Evidence for having threatened, intimidated, offered bribes to or otherwise interfered with two witnesses in the case against Vojislav Šešelj. This order *in lieu* of indictment was further revised on 5 December 2014 and 17 August 2017 before the ICTY. On 29 November 2017, the ICTY President ordered that the case against the Accused be transferred to the Mechanism in light of the imminent closure of the ICTY.

The Accused are together charged with three counts of contempt of the ICTY:

- Contempt of the ICTY with respect of Witness 2 against Petar Jojić (Count 2)
- Contempt of the ICTY with respect of Witness 1 against Vjerica Radeta (Count 8)
- Contempt of the ICTY with respect of Witness 2 against Vjerica Radeta (Count 9)

CASE BACKGROUND INFORMATION

The warrants of arrest and orders for surrender in relation to the Accused issued by the ICTY in both 2015 and 2016, were directed to the authorities of the Republic of Serbia and all United Nations Member States. On 29 November 2017, in light of the imminent closure of the ICTY at the end of 2017, the ICTY President ordered that the case against the Accused, as well as all judicial records in the custody of the ICTY concerning the case, be transferred to the Mechanism. The ICTY President noted that the Republic of Serbia had failed to cooperate with the ICTY to ensure the arrest and surrender of the Accused.

The international arrest warrants and orders for surrender concerning the Accused issued by the Mechanism on 13 May 2019 are directed to the authorities of all United Nations Member States and request them to act promptly and with due diligence to secure the arrest, detention, and transfer of the Accused to the custody of the Mechanism.

For more information, please visit the Mechanism website www.irmct.org.

For press inquiries, email mict-press@un.org.