



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-05-88-R77.1

Date: 1 November 2007

Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost
Judge Ole Bjørn Støle – Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 1 November 2007

**IN THE CONTEMPT CASE OF
DRAGAN JOKIĆ**

PUBLIC

**ORDER IN LIEU OF INDICTMENT ON CONTEMPT
CONCERNING DRAGAN JOKIĆ**

Counsel for the Accused
Ms. Branislava Isailović

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”);

NOTING the refusal of the witness, Dragan Jokić (“witness”) to testify before the Trial Chamber on 31 October and 1 November 2007;

NOTING the submission of 31 October 2007 filed confidentially and *ex parte* in the original French by Counsel for the witness detailing his refusal to testify,¹ and his oral submissions of 31 October and 1 November 2007;

NOTING the relevant provisions of Rule 77 of the Rules of Procedure and Evidence of the International Tribunal, as follows:

(A) The Tribunal in the exercise of its inherent power may hold in contempt those who knowingly and wilfully interfere with its administration of justice, including any person who

(i) being a witness before a Chamber, contumaciously refuses or fails to answer a question;

[...]

(C) When a Chamber has reason to believe that a person may be in contempt of the Tribunal, it may:

[...]

(iii) initiate proceedings itself.

(D) If the Chamber considers that there are sufficient grounds to proceed against a person for contempt, the Chamber may:

[...]

(ii) in circumstances described in paragraph (C)(ii) or (iii), issue an order in lieu of an indictment and either direct *amicus curiae* to prosecute the matter or prosecute the matter itself.

CONSIDERING that the Trial Chamber has reason to believe that the witness may be in contempt of the Tribunal and that it is appropriate for the Trial Chamber to initiate proceedings itself under Rule 77(C)(iii) of the Rules;

¹ Conclusions de Monsieur Dragan Jokić aux fins de donner les raisons qui justifient son refus de déférer à la citation à comparaître issue à son encontre, 31 October 2007.


CONSIDERING that the Trial Chamber considers that there are sufficient grounds to proceed against the witness for contempt and, pursuant to Rule 77(D)(ii), to issue an order in lieu of an indictment and to prosecute the matter itself;

PURSUANT TO Rule 77 of the Rules,

HEREBY ORDERS AS FOLLOWS:

- (1) Dragan Jokić born on 20 August 1957 in the village of Grbavici, Zvornik Municipality, Bosnia and Herzegovina, is charged that, on 31 October and 1 November 2007, being called to testify before Trial Chamber II of the Tribunal, he knowingly and wilfully interfered with the administration of justice by contumaciously refusing to testify, contrary to Rule 77 (A)(i) of the Rules; and
- (2) The Trial Chamber will prosecute the matter itself.

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



Carmel Agius
Presiding

Dated this first day of November 2007
At The Hague
The Netherlands

[Seal of the Tribunal]