

## CONTEMPT OF COURT PROCEEDINGS

United Nations  
Nations UniesInternational Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yougoslavie

(IT-95-5/18-R77.1)

## BERKO ZEČEVIĆ

BERKO ZEČEVIĆ

Proceedings terminated



Prosecution witness before Trial Chamber III of the Tribunal in the case *The Prosecutor v. Radovan Karadžić*

*Crimes indicted for:*

Contempt of the Tribunal (Rule 77(A) and (G) of the Rules of Procedure and Evidence of the Tribunal)

- Zečević refused to comply with a subpoena issued by the Chamber and failed to appear as a witness in the case of *Prosecutor v. Radovan Karadžić*

Order (in lieu of an indictment)	4 February 2011 (made public on 15 February 2011)
Proceedings terminated	25 February 2011, the Chamber vacated the order in lieu of indictment

RELATED CASES  
by geographical area

KARADŽIĆ (IT-95-5/18)

## INDICTMENT AND CHARGES

In accordance with Rule 77 of its Rules of Procedure and Evidence, the Tribunal can conduct proceedings for contempt of court. The ICTY's jurisdiction in respect of contempt is not expressly outlined in the Statute. However, it is firmly established that the Tribunal possesses an inherent jurisdiction, deriving from its judicial function, to ensure that its exercise of the jurisdiction expressly given to it by the Statute is not frustrated and that its basic judicial functions are safeguarded. As an international criminal court, the Tribunal possesses the inherent power to deal with conduct interfering with its administration of justice. Such interference may be by way of conduct which obstructs, prejudices or abuses the Tribunal's administration of justice. Those who knowingly and wilfully interfere with the Tribunal's administration of justice in such a way may, therefore, be held in contempt of the Tribunal.

The order in lieu of an indictment against Zečević was filed confidentially on 4 February 2011. It was made public on 15 February 2011

According to the order, on 20 January 2011, a subpoena was issued ordering Zečević to appear and testify before the Chamber. Having been served with the subpoena, Zečević indicated that he was not willing to appear before the Chamber. He did not show good cause as to why he could not comply with the subpoena. Zečević therefore knowingly and wilfully interfered with the administration of justice.

Zečević is charged with:

Contempt of the Tribunal (Rule 77(A) and (G) of the Rules of Procedure and Evidence)

During his initial appearance on 18 February 2011, Zečević stated he was willing to testify in the Karadžić case. His testimony took place from 22 - 24 February 2011. Subsequently, on 25 February 2011, the Chamber vacated the order in lieu of indictment against Berko Zečević.