



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-03-67-R77.5
Date: 3 February 2016
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr John Hocking

Order of: 3 February 2016

IN THE CASE AGAINST

**PETAR JOJIĆ
JOVO OSTOJIĆ
VJERICA RADETA**

PUBLIC

ORDER TO SCHEDULE A HEARING

Amicus Curiae Prosecutor
Ms Diana Ellis, QC

The Government of the Republic of Serbia
Per: The Embassy of the Republic of Serbia
to the Kingdom of the Netherlands

TRIAL CHAMBER I 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 (“Chamber”);

NOTING the decision on the order in lieu of Indictment, issued on 5 December 2014, which charged Petar Jojić, Jovo Ostojić, and Vjerica Radeta with contempt of the Tribunal for having threatened, intimidated, offered bribes to, or otherwise interfered with two witnesses in the cases of *Prosecutor v. Vojislav Šešelj* (IT-03-67-T and IT-03-67-R77.3);¹

NOTING that the initial order in lieu of Indictment charging Petar Jojić, Jovo Ostojić, and Vjerica Radeta with contempt of the Tribunal was issued on 30 October 2012;²

NOTING the warrants of arrest and orders for surrender in relation to Petar Jojić, Jovo Ostojić, and Vjerica Radeta, issued on 19 January 2015 (“Arrest Warrants”);³

NOTING that the Arrest Warrants have not been executed by the Republic of Serbia to date and that the Republic of Serbia’s explanations for this have been found to be unmeritorious by the Chamber;⁴

NOTING that the Chamber, on 13 January 2016, ordered Serbia to submit monthly reports to the Chamber outlining its efforts with regard to executing the Arrest Warrants;⁵

NOTING that Serbia filed its first report on 2 February 2016, wherein it stated that it is currently awaiting a response from the President of the Tribunal in relation to its 7 December 2015 letter which ‘presented an initiative for considering the possibility of initiating proceedings *proprio motu* to have the case referred to a national jurisdiction’;⁶

¹ Further Decision on Order in Lieu of Indictment, 5 December 2014 (Confidential and *ex parte*), Annex B. A public redacted version of the Order was filed on 1 December 2015.

² Decision Issuing Order in Lieu of Indictment, 30 October 2012 (Confidential and *ex parte*).

³ Warrant of Arrest and Order for Surrender of Petar Jojić, 19 January 2015 (Confidential and *ex parte*); Warrant of Arrest and Order for Surrender of Jovo Ostojić, 19 January 2015 (Confidential and *ex parte*); Warrant of Arrest and Order for Surrender of Vjerica Radeta (Confidential and *ex parte*), 19 January 2015. Public redacted versions of the Arrest Warrants were filed on 1 December 2015.

⁴ See Order to the Republic of Serbia, 14 May 2015 (Confidential and *ex parte*); Decision Advising the President of the Tribunal of the Republic of Serbia’s Failure to Cooperate with the Tribunal, 25 August 2015 (Confidential and *ex parte*).

⁵ Order for Monthly Reporting on Execution of Arrest Warrants, 13 January 2016.

⁶ Monthly Report on Execution of Arrest Warrants, 2 February 2016 (Confidential and *ex parte*).

CONSIDERING that the Republic of Serbia is under a legal obligation to execute the Arrest Warrants without undue delay pursuant to Article 29 (2)(d) and (e) of the Tribunal's Statute ("Statute");

CONSIDERING that sending a letter to the President of the Tribunal does not suspend Serbia's legal obligations;

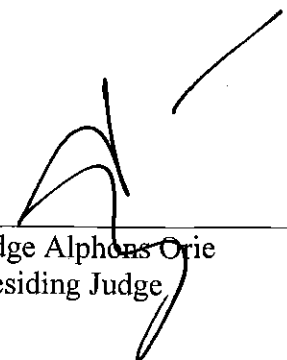
FINDING that Serbia's continuing non-compliance with the order to execute the Arrest Warrants is unacceptable;

PURSUANT TO Article 29 of the Statute and Rule 54 of the Tribunal's Rules of Procedure and Evidence;

HEREBY ORDERS that a hearing be held on Wednesday, 10 February 2016 at 9.30 a.m. in courtroom I of the Tribunal to further discuss Serbia's efforts with regard to executing the Arrest Warrants; and

REQUESTS Serbia to appear before the Chamber through (an) authorized and informed representative(s) at the time and place indicated above.

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



Judge Alphons Orie
Presiding Judge

Dated this Third day of February 2016
At The Hague
The Netherlands

[Seal of the Tribunal]