

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 12 June 2018

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Aydin Sefa Akay

Registrar: Mr. Olufemi Elias

Order of: 12 June 2018

IN THE CASE AGAINST

**PETAR JOJIĆ
VJERICA RADETA**

PUBLIC

**PUBLIC REDACTED VERSION OF THE 12 JUNE 2018 ORDER
REFERRING A CASE TO
THE REPUBLIC OF SERBIA**

Office of the Prosecutor

Mr. Serge Brammertz

***Amicus Curiae* Prosecutor**

Ms. Diana Ellis

Government of the Republic of Serbia

I, AYDIN SEFA AKAY, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

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, *inter alios*, 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;²

NOTING the warrants of arrest and orders for surrender in relation to the Accused that were issued by the ICTY and directed to the authorities of the Republic of Serbia (“Serbia”) and all United Nations Member States;³

NOTING that, on 29 November 2017, the ICTY President ordered that the case against the Accused, as well as all judicial records in the custody of the ICTY concerning this case, be transferred to the Mechanism;⁴

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”);⁵

¹ Order Assigning a Single Judge to Consider a Matter, 24 January 2018, p. 2.

² *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 (“Order in Lieu of Indictment”), p. 3. See *In the Case Against Petar Jojić, Jovica 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. I note that 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, Annex B (confidential) (“Indictment”); *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*).

³ See *In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, International Arrest Warrant and Order for Surrender [re Jojić], 5 October 2016 (confidentiality lifted on 29 November 2016); *In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, International Arrest Warrant and Order for Surrender [re Radeta], 5 October 2016 (confidential and *ex parte*) (collectively, “ICTY Arrest Warrants”); *Prosecutor v. Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Warrant of Arrest and Order for Surrender of Petar Jojić, 19 January 2015 (confidentiality lifted on 1 December 2015); *Prosecutor v. Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Warrant of Arrest and Order for Surrender of Vjerica Radeta, 19 January 2015 (confidential). See also *In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order Lifting Confidentiality of International Arrest Warrants, 29 November 2016, p. 2, Annexes A and B (public redacted); *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, p. 1, Annexes C and D (public redacted).

⁴ *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order of Transfer to the International Residual Mechanism for Criminal Tribunals, 29 November 2017, p. 4. See also *Prosecutor v. Petar Jojić and Vjerica Radeta*, Case Nos. MICT-17-111-R90 & IT-03-67-R77.5, Certificate, 4 December 2017, Annex (confidential and *ex parte*).

⁵ Decision on Jurisdiction, 18 January 2018, p. 2.

NOTING that Article 1(4) of the Statute provides, in relevant part, that before proceeding to try a person for contempt, the Mechanism shall consider referring the case to the authorities of a State in accordance with Article 6 of the Statute, taking into account the interests of justice and expediency;

NOTING that Articles 6(2)(i) and 6(2)(iii) of the Statute provide, in relevant parts, that the Mechanism shall determine whether a case should be referred to the authorities of a State: (i) in whose territory the crime was committed; (ii) in which the accused was arrested; or (iii) having jurisdiction and being willing and adequately prepared to accept such a case, so that those authorities should forthwith refer the case to the appropriate court for trial within that State;

NOTING that the crimes charged in the Indictment were allegedly committed in Serbia;⁶

RECALLING that, on 15 February 2018, I invited Serbia to provide submissions on its jurisdiction, willingness, and preparedness to accept this case for trial⁷ and that, on 14 March 2018, the Minister of Justice of Serbia responded that Serbia “is prepared to conduct criminal proceedings” against the Accused, including the provision of all procedural guarantees for a fair trial;⁸

NOTING that Article 6(4) of the Statute provides, *inter alia*, that the Mechanism may order the referral of a case after having given to the Prosecutor and, where applicable, the accused, the opportunity to be heard and after being satisfied that the accused will receive a fair trial and that the death penalty will not be imposed or carried out;

NOTING that the Accused remain at large;

RECALLING that, on 22 March 2018, I invited the *Amicus Curiae* Prosecutor in this case (“*Amicus Curiae* Prosecutor”) to address whether referring this case to Serbia would be compatible with the requirements of Articles 1 and 6 of the Statute⁹ and that, on 5 April 2018, the *Amicus Curiae* Prosecutor provided submissions opposing the referral of this case to Serbia;¹⁰

⁶ See Indictment, Registry Pagination (“RP”) 861-858.

⁷ Order for Submissions, 15 February 2018, p. 2.

⁸ Letter from the Minister of Justice of the Republic of Serbia, 14 March 2018 (confidential) (“First Submission of Serbia”), RP. 41.

⁹ Order for Submissions, 22 March 2018, p. 3.

¹⁰ Response of the *Amicus Curiae* Prosecutor to the Letter from the Republic of Serbia re: Referral of the Case, 5 April 2018 (“Submissions of the *Amicus Curiae* Prosecutor”), paras. 3, 32. See also Note to the Single Judge re: Referral of the Case to Serbia, 18 February 2018.

RECALLING that, on 11 April 2018, I invited Serbia to provide submissions specifically addressing the arguments raised in the Submissions of the *Amicus Curiae* Prosecutor¹¹ and that, on 26 April 2018, the Minister of Justice of Serbia provided further submissions;¹²

RECALLING that, on 13 April 2018, the *Amicus Curiae* Prosecutor filed additional submissions in which she specifically addressed the issue of immunity from prosecution for Deputies of the National Assembly of Serbia¹³ and that, following my request for additional submissions filed on 3 May 2018,¹⁴ the Minister of Justice of Serbia responded on 8 May 2018;¹⁵

RECALLING that, on 15 May 2018, the *Amicus Curiae* Prosecutor replied to the further response of the Minister of Justice of Serbia, reiterating her opposition to the referral of this case to Serbia;¹⁶

RECALLING that, on 24 May 2018, Serbia provided written submissions commenting on the Reply of the *Amicus Curiae* Prosecutor,¹⁷ and that, on 7 June 2018, the *Amicus Curiae* Prosecutor filed supplementary submissions;¹⁸

NOTING that the *Amicus Curiae* Prosecutor submits that should this case be referred to Serbia it: (i) would not serve the interests of justice, given that Serbia has repeatedly and deliberately failed to cooperate with the ICTY;¹⁹ (ii) would cause genuine fear for Prosecution witnesses should they be called upon to testify in Serbia;²⁰ (iii) would not be more expedient than if the Mechanism retains this case, partly because the Mechanism has a more pressing interest in pursuing allegations of contempt against it than a court in Serbia;²¹ and (iv) it would prevent proceedings from being brought against the Accused, given that the Constitution of Serbia grants immunity to the Deputies of the National Assembly;²²

¹¹ Order for Submissions, 11 April 2018 (confidential), p. 3.

¹² Letter from the Minister of Justice of the Republic of Serbia, 26 April 2018 (public; made confidential on 9 May 2018) (“Second Submission of Serbia”), RP. 131-128.

¹³ Addendum to Response of the *Amicus Curiae* Prosecutor to the Letter from the Republic of Serbia re: Referral of the Case, 13 April 2018 (“Additional Submissions of the *Amicus Curiae* Prosecutor”), paras. 2, 4-6.

¹⁴ Order for Additional Submissions, 3 May 2018 (confidential), p. 2.

¹⁵ Letter from the Minister of Justice of the Republic of Serbia, 8 May 2018 (public; made confidential on 9 May 2018) (“Third Submission of Serbia”), RP.145.

¹⁶ Reply of the *Amicus Curiae* Prosecutor to the Letter from the Republic of Serbia re: Referral of the Case, 15 May 2018 (“Reply of the *Amicus Curiae* Prosecutor”).

¹⁷ Comments of the Republic of Serbia on the Reply of the *Amicus Curiae* Prosecutor of 15 May 2018, 30 May 2018 (“Fourth Submission of Serbia”).

¹⁸ Response of the *Amicus Curiae* Prosecutor to the Reply of the Republic of Serbia dated 30 May 2018, 7 June 2018 (“Supplementary Submissions of the *Amicus Curiae* Prosecutor”).

¹⁹ Submissions of the *Amicus Curiae* Prosecutor, paras. 4, 12-25, 30, 31. *See also* Reply of the *Amicus Curiae* Prosecutor, paras. 13, 15, 16; Supplementary Submissions of the *Amicus Curiae* Prosecutor, paras. 2(i), 2(ii), 3.

²⁰ Submissions of the *Amicus Curiae* Prosecutor, para. 24.

²¹ Submissions of the *Amicus Curiae* Prosecutor, paras. 26, 27, 29, 31. *See also* Supplementary Submissions of the *Amicus Curiae* Prosecutor, para. 3.

²² Additional Submissions of the *Amicus Curiae* Prosecutor, paras. 2, 4-6. *See also* Reply of the *Amicus Curiae* Prosecutor, para. 18; Supplementary Submissions of the *Amicus Curiae* Prosecutor, para. 2(iv).

NOTING that Serbia submits, *inter alia*, that: (i) it has complied with its mandatory responsibility pursuant to Article 29 of the ICTY Statute and handed over accused to the ICTY;²³ (ii) its legal framework is “consistent with all international standards of human rights and the rule of law”, and that the crime of contempt is included in the Criminal Code of Serbia;²⁴ (iii) the Accused reside in the territory of [REDACTED] and are willing to appear before a court in Serbia;²⁵ and (iv) immunity from prosecution for Deputies of the National Assembly only applies for the votes cast and opinions expressed in the performance of their duties, but does not shield them from criminal proceedings;²⁶

CONSIDERING that: (i) the crimes charged in the Indictment allegedly took place in Serbia; (ii) Serbia submitted that it has jurisdiction, that it is willing and adequately prepared to accept this case for trial, providing all procedural guarantees for a fair trial; and (iii) that Serbia further submitted that the Accused reside in [REDACTED] and are willing to appear for trial before a court in Serbia;

CONSIDERING that the prohibition of the death penalty is guaranteed by the Constitution of Serbia;²⁷

CONSIDERING FURTHER that the submissions of the *Amicus Curiae* Prosecutor do not demonstrate that Serbia lacks jurisdiction in respect of this case nor do they undermine Serbia’s assertion that it is willing and adequately prepared to accept this case for trial and that the Accused will be provided with all procedural guarantees for a fair trial;

FINDING, therefore, that the requirements of Articles 1(4), 6(2)(i), 6(2)(iii), and 6(4) of the Statute for referring this case to Serbia are met;

NOTING that, pursuant to Article 6(5) of the Statute and Rule 14(A)(iv) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), the Mechanism will ensure that the safeguards applicable to transferred cases are guaranteed throughout the proceedings against the Accused with the assistance of a monitoring mechanism;

NOTING that pursuant to Article 6(6) of the Statute and Rule 14(C) of the Rules, after a case has been referred to a national authority by the Mechanism and before the accused is found guilty or

²³ Second Submission of Serbia, RP. 131-129. *See also* Fourth Submission of Serbia, RP. 167, 166.

²⁴ Second Submission of Serbia, RP. 130, 129. Serbia explains that the underlying acts of the crime of contempt of court are envisaged in the Criminal Code of Serbia as the crime of “preventing and obstructing presentation of evidence”. *See* Second Submission of Serbia, RP. 129.

²⁵ Second Submission of Serbia, RP. 129; Third Submission of Serbia, RP. 145.

²⁶ Third Submission of Serbia, RP. 145. *See also* Fourth Submission of Serbia, RP. 166-164.

²⁷ Constitution of the Republic of Serbia, Official Gazette of the RS, no. 98/2006, Articles 24, 33-36.

acquitted by a national court, the Mechanism may, at the request of the Prosecutor or *proprio motu* and after giving the State authorities concerned the opportunity to be heard, revoke the order, and make a formal request for deferral where it is clear that the conditions for the referral of the case are no longer met and it is in the interests of justice;

NOTING that Rule 14 of the Rules provides, in relevant part, that the Mechanism may issue a warrant for the arrest of the accused, which shall specify the State to which the accused will be transferred for trial;

RECALLING that Rule 86(F)(i) of the Rules provides notably that, once protective measures have been ordered in respect of a victim or witness in any proceedings before the ICTY, such protective measures shall continue to have effect *mutatis mutandis* in any other proceedings before another jurisdiction unless and until they are rescinded, varied or augmented in accordance with the procedure set out in this Rule;

FOR THE FOREGOING REASONS,

PURSUANT TO Articles 1(4), 6(2)(i), 6(2)(iii), and 6(4) of the Statute, and Rule 14 of the Rules;

ORDER the case against the Accused (Case No. MICT-17-111-R90) to be referred to the authorities of Serbia for trial;

REVOKE the ICTY Arrest Warrants;

ISSUE new international arrest warrants, set out in public redacted versions of confidential Annexes A and B of the Order;

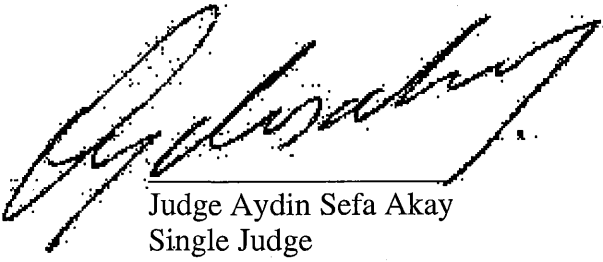
ORDER the *Amicus Curiae* Prosecutor to transfer to the Prosecutor's Office of Serbia, as soon as possible, all information relating to this case which she considers appropriate including, in particular, the Indictment and the material supporting the Indictment;

INVITE the Prosecutor's Office of Serbia to seek by application filed before the President of the Mechanism pursuant to Rule 86 of the Rules any variation of protective measures as may be necessary; and

ORDER the Registrar to take appropriate measures, as soon as practicable, for an effective monitoring mechanism to be implemented in accordance with Article 6(5) of the Statute and Rule 14(A)(iv) of the Rules and to report to the President with quarterly reports.

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

Done this 12th day of June 2018,
At The Hague,
The Netherlands



Judge Aydin Sefa Akay
Single Judge

[Seal of the Mechanism]

UNITED
NATIONS



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 12 June 2018

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Aydin Sefa Akay

Registrar: Mr. Olufemi Elias

Order of: 12 June 2018

IN THE CASE AGAINST

**PETAR JOJIĆ
VJERICA RADETA**

PUBLIC

**PUBLIC REDACTED VERSION OF THE
INTERNATIONAL ARREST WARRANT
AND ORDER FOR SURRENDER**

To all United Nations Member States

**PUBLIC REDACTED VERSION OF THE 12 JUNE 2018
CONFIDENTIAL ANNEX A**

INTERNATIONAL ARREST WARRANT (JOJIĆ)

I, AYDIN SEFA AKAY, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

CONSIDERING Article 28 of the Statute of the Mechanism (“Statute”) as well as Rules 55, 57 to 61, and 63 of the Rules of Procedure and Evidence of the Mechanism (“Rules”);

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, *inter alios*, Petar Jojić (“Jojić” or “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;²

NOTING the warrant of arrest and order for surrender directed to the authorities of the Republic of Serbia (“Serbia”) and all United Nations Member States (“UN Member States”) in relation to Jojić, filed on 5 October 2016, ordering, notably, that the authorities of all UN Member States notify the Registrar of the ICTY and transfer the Accused to the ICTY upon his arrest;³

NOTING that, on 29 November 2017, the ICTY President ordered that the case against the Accused, as well as all judicial records in custody of the ICTY concerning this case, be transferred to the Mechanism;⁴

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;⁵

¹ Order Assigning a Single Judge to Consider a Matter, 24 January 2018, p. 2.

² *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 (“Order in Lieu of Indictment”), p. 3. See *In the Case Against Petar Jojić, Jovica 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. I note that the Order in Lieu of Indictment was further revised, due in part to the deaths of the other co-accused, and that 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, Annex B (confidential) (“Indictment”); *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*).

³ *In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, International Arrest Warrant and Order for Surrender, 5 October 2016 (confidentiality lifted on 29 November 2016) (“ICTY Arrest Warrant”). See also *Prosecutor v. Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Warrant of Arrest and Order for Surrender of Petar Jojić, 19 January 2015 (confidentiality lifted on 1 December 2015).

⁴ *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order of Transfer to the International Residual Mechanism for Criminal Tribunals, 29 November 2017, p. 4. See also *Prosecutor v. Petar Jojić and Vjerica Radeta*, Case Nos. MICT-17-111-R90 & IT-03-67-R77.5, Certificate, 4 December 2017, Annex (confidential and *ex parte*).

⁵ Decision on Jurisdiction, 18 January 2018, p. 2.

NOTING the Order of 12 June 2018 referring the case against the Accused to the authorities of Serbia for trial pursuant to Articles 1(4), 6(2)(i), 6(2)(iii), and 6(4) of the Statute, and Rule 14 of the Rules;⁶

NOTING that the Order Referring a Case to Serbia revoked the ICTY Arrest Warrant;⁷

NOTING that, in accordance with Rule 14(B) of the Rules, the Mechanism may issue a warrant for the arrest of the accused, which shall specify the State to which he is to be transferred for trial;

HEREBY DIRECT the authorities and all officers and agents of all the UN Member States to act promptly with all due diligence to secure the arrest, detention, and transfer to Serbia of:

Petar JOJIĆ, [REDACTED].

ALLEGED to have committed the following crime:

contempt of the ICTY pursuant to Rule 77(A)(iv) of the Rules of Procedure and Evidence of the ICTY by interfering with a witness;

FURTHER ORDER that the authorities of all UN Member States promptly notify the authorities of Serbia upon the arrest of Jojić;

DIRECT the authorities and all officers and agents of all UN Member States to advise Jojić, at the time of his arrest and in a language he understands, of his rights as set forth in Article 19 of the Statute and, *mutatis mutandis*, in Rules 40 and 41 of the Rules, and to present him with the version of the Indictment attached to this warrant; and

INSTRUCT the Registrar to attach to this warrant copies of Article 19 of the Statute, Rules 40 and 41 of the Rules, and the Indictment in English and B/C/S.

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

Done this 12th day of June 2018,
At The Hague,
The Netherlands



Judge Aydin Sefa Akay

[Seal of the Mechanism]

⁶ Order Referring a Case to the Republic of Serbia, 12 June 2018 (confidential) (“Order Referring a Case to Serbia”), p. 5.

⁷ Order Referring a Case to Serbia, p. 5.

**PUBLIC REDACTED VERSION OF THE 12 JUNE 2018
CONFIDENTIAL ANNEX B**

INTERNATIONAL ARREST WARRANT (RADETA)

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-17-111-R90

Date: 12 June 2018

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Aydin Sefa Akay

Registrar: Mr. Olufemi Elias

Order of: 12 June 2018

IN THE CASE AGAINST

**PETAR JOJIĆ
VJERICA RADETA**

PUBLIC

**PUBLIC REDACTED VERSION OF THE
INTERNATIONAL ARREST WARRANT
AND ORDER FOR SURRENDER**

To all United Nations Member States

I, AYDIN SEFA AKAY, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

CONSIDERING Article 28 of the Statute of the Mechanism (“Statute”) as well as Rules 55, 57 to 61, and 63 of the Rules of Procedure and Evidence of the Mechanism (“Rules”);

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, *inter alios*, Vjerica Radeta (“Radeta” or “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;²

NOTING the warrant of arrest and order for surrender directed to the authorities of the Republic of Serbia (“Serbia”) and all United Nations Member States (“UN Member States”) in relation to Radeta, filed on 5 October 2016, ordering, notably, that the authorities of all UN Member States notify the Registrar of the ICTY and transfer the Accused to the ICTY upon her arrest;³

NOTING that, on 29 November 2017, the ICTY President ordered that the case against the Accused, as well as all judicial records in custody of the ICTY concerning this case, be transferred to the Mechanism;⁴

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;⁵

¹ Order Assigning a Single Judge to Consider a Matter, 24 January 2018, p. 2.

² *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 (“Order in Lieu of Indictment”), p. 3. See *In the Case Against Petar Jojić, Jovica 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. I note that the Order in Lieu of Indictment was further revised, due in part to the deaths of the other co-accused, and that 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, Annex B (confidential) (“Indictment”); *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*).

³ *In the Case Against Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, International Arrest Warrant and Order for Surrender, 5 October 2016 (confidentiality lifted on 29 November 2016) (“ICTY Arrest Warrant”). See also *Prosecutor v. Petar Jojić, Jovo Ostojić, and Vjerica Radeta*, Case No. IT-03-67-R77.5, Warrant of Arrest and Order for Surrender of Petar Jojić, 19 January 2015 (confidentiality lifted on 1 December 2015).

⁴ *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. IT-03-67-R77.5, Order of Transfer to the International Residual Mechanism for Criminal Tribunals, 29 November 2017, p. 4. See also *Prosecutor v. Petar Jojić and Vjerica Radeta*, Case Nos. MICT-17-111-R90 & IT-03-67-R77.5, Certificate, 4 December 2017, Annex (confidential and *ex parte*).

⁵ Decision on Jurisdiction, 18 January 2018, p. 2.

NOTING the Order of 12 June 2018 referring, the case against the Accused to the authorities of Serbia for trial pursuant to Articles 1(4), 6(2)(i), 6(2)(iii), and 6(4) of the Statute, and Rule 14 of the Rules;⁶

NOTING that the Order Referring a Case to Serbia revoked the ICTY Arrest Warrant;⁷

NOTING that, in accordance with Rule 14(B) of the Rules, the Mechanism may issue a warrant for the arrest of the accused, which shall specify the State to which she is to be transferred for trial;

HEREBY DIRECT the authorities and all officers and agents of all the UN Member States to act promptly with all due diligence to secure the arrest, detention, and transfer to Serbia of:

Vjerica RADETA, [REDACTED].

ALLEGED to have committed the following crime:

contempt of the ICTY pursuant to Rule 77(A)(iv) of the Rules of Procedure and Evidence of the ICTY by interfering with a witness;

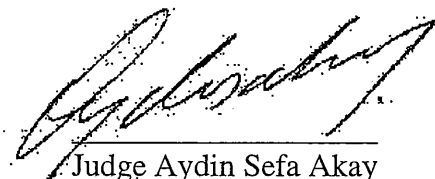
FURTHER ORDER that the authorities of all UN Member States promptly notify the authorities of Serbia upon the arrest of Radeta;

DIRECT the authorities and all officers and agents of all UN Member States to advise Radeta, at the time of her arrest and in a language she understands, of her rights as set forth in Article 19 of the Statute and, *mutatis mutandis*, in Rules 40 and 41 of the Rules, and to present her with the version of the Indictment attached to this warrant; and

INSTRUCT the Registrar to attach to this warrant copies of Article 19 of the Statute, Rules 40 and 41 of the Rules, and the Indictment in English and B/C/S.

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

Done this 12th day of June 2018,
At The Hague,
The Netherlands



Judge Aydin Sefa Akay

[Seal of the Mechanism]

⁶ Order Referring a Case to the Republic of Serbia, 12 June 2018 (confidential) (“Order Referring a Case to Serbia”), p. 5.

⁷ Order Referring a Case to Serbia, p. 5.



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ <i>Greffe du MPTI</i>	<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/ <i>La Haye</i>		
From/ De :	<input checked="" type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>	<input type="checkbox"/> Other/ <i>Autre :</i>	
Case Name/ Affaire :	IN THE CASE AGAINST PETAR JOJIĆ VJERICA RADETA		Case Number/ Affaire n° :	MICT-17-111-R90	
Date Created/ Daté du :	12 June 2018	Date transmitted/ Transmis le :	12 June 2018	No. of Pages/ Nombre de pages :	15
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