



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: 14 September 2016  
Original: English

**IN TRIAL CHAMBER I**

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

**Registrar:** Mr John Hocking

**Decision of:** 14 September 2016

**IN THE CASE AGAINST**

**PETAR JOJIĆ  
JOVO OSTOJIĆ  
VJERICA RADETA**

***PUBLIC***

**DECISION ADVISING THE TRIBUNAL'S PRESIDENT OF  
THE REPUBLIC OF SERBIA'S CONTINUED FAILURE TO  
COOPERATE WITH THE TRIBUNAL**

***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 (“Tribunal”);

**NOTING** the “Further Decision on Order in Lieu of Indictment”, filed on 5 December 2014;

**NOTING** the warrants of arrest and orders for surrender in relation to Petar Jojić, Jovo Ostojić, and Vjerica Radeta, filed on 19 January 2015 (“Arrest Warrants”);<sup>1</sup>

**NOTING** the Chamber’s decision of 25 August 2015, in which it advised the President of the Tribunal that the lack of action by the Republic of Serbia (“Serbia”) can only be interpreted as harbouring an unwillingness to execute the Arrest Warrants;<sup>2</sup>

**NOTING** that on 13 January 2016, the Chamber ordered Serbia to submit monthly reports outlining its efforts regarding the execution of the Arrest Warrants;<sup>3</sup>

**NOTING** that on 10 February 2016, the Chamber ordered that these reports be submitted every two weeks;<sup>4</sup>

**NOTING** the decision of 2 August 2016, in which the Chamber ordered Serbia to comply with its obligations under Article 29 of the Statute of the Tribunal and reminded Serbia of its obligation to submit bi-weekly reports;<sup>5</sup>

**NOTING** that no bi-weekly reports were received since 18 May 2016;<sup>6</sup>

**CONSIDERING** that Serbia has not executed the Arrest Warrants;

**CONSIDERING** that Serbia, in addition, has failed to comply with the Chamber’s order to submit bi-weekly reports;

<sup>1</sup> 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.

<sup>2</sup> 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*), p. 2.

<sup>3</sup> Order for Monthly Reporting on Execution of Arrest Warrants, 13 January 2016.

<sup>4</sup> T. 60.

<sup>5</sup> Decision in Relation to the Cooperation of the Government of the Republic of Serbia with the Tribunal, 2 August 2016, paras 10-11.

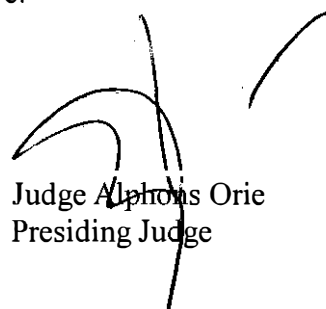
<sup>6</sup> See last report received: Report on Serbia’s Efforts Pursuant to the Arrest Warrants and Orders for Surrender of the Accused, 18 May 2016.

**FINDING** that Serbia's continued non-compliance with its obligations obstructs the course of justice;

**FOR THE FOREGOING REASONS AND PURSUANT TO** Rule *7bis* (A) of the Tribunal's Rules of Procedure and Evidence;

**ADVISES** the President of the Tribunal of Serbia's continued failure to comply with its obligations under Article 29 of the Statute.

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



Judge Alphons Orie  
Presiding Judge

Dated this fourteenth day of September 2016  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**