



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: 28 August 2017
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 28 August 2017

IN THE CASE AGAINST

**PETAR JOJIĆ
AND
VJERICA RADETA**

PUBLIC

**DECISION ON *AMICUS CURIAE* PROSECUTOR'S
REQUEST FOR ASSISTANCE**

***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” and “Tribunal”, respectively);

BEING SEISED of the *amicus curiae* Prosecutor’s request, filed on 7 July 2017 (“Request”), seeking the Chamber’s assistance to obtain full transcripts of two sets of proceedings held on 18 May 2016 involving Petar Jojić, Jovo Ostojić, and Vjerica Radeta before the War Crimes Chamber of the High Court in Belgrade (“Transcripts”);¹

NOTING that on 17 July 2017, the Chamber invited the Republic of Serbia (“Serbia”) to make written submissions in response to the Request;²

NOTING that on 3 August 2017, Serbia filed submissions in response to the Chamber’s invitation, stating, *inter alia*, that there were no obstacles to providing the Transcripts to “either the Chamber itself or to the ICTY Office of the Prosecutor”;³

CONSIDERING that the Tribunal’s Office of the Prosecutor is not a party to the instant case and that all prosecutorial functions in this case are performed by the *amicus curiae* Prosecutor;

CONSIDERING Serbia’s willingness to assist the Tribunal *vis-à-vis* the Request;

CONSIDERING that the direct communications between Serbia and the *amicus curiae* Prosecutor have not led to an expeditious resolution of the matter;

PURSUANT TO Article 29 of the Tribunal’s Statute;

GRANTS the Request;

REQUESTS Serbia to provide the Transcripts, within three weeks of the date of this decision, to the Registrar of the Tribunal; and

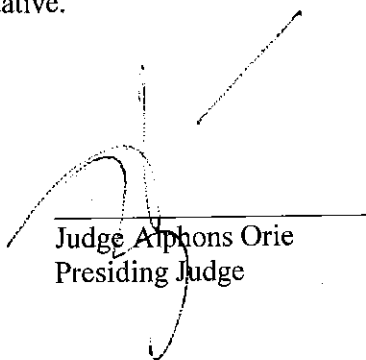
¹ Request of the *Amicus Curiae* Prosecutor for Assistance in Obtaining Full Transcripts of the Hearings Before the High Court in Belgrade, 7 July 2017, paras 1, 6.

² Invitation to the Republic of Serbia, 17 July 2017.

³ Submission by Serbia, 3 August 2017, p. 2.

REQUESTS the Registrar to provide the *amicus curiae* Prosecutor with the Transcripts upon receipt.

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



Judge Alphons Orie
Presiding Judge

Dated this twenty-eighth day of August 2017
At The Hague
The Netherlands

[Seal of the Tribunal]