



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: 1 December 2015
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Order of: 1 December 2015

IN THE CASE AGAINST

**PETAR JOJIĆ
JOVO OSTOJIĆ
VJERICA RADETA**

PUBLIC

**ORDER LIFTING CONFIDENTIALITY OF ORDER IN LIEU
OF INDICTMENT AND ARREST WARRANTS**

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) (“Order”);¹

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”);²

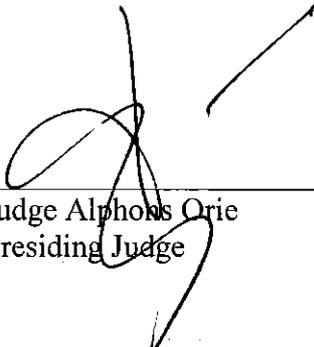
NOTING that the Arrest Warrants have not been executed by the Republic of Serbia to date;

CONSIDERING that it is consistent with the interests of justice to lift the confidentiality of the Order and the Arrest Warrants;

PURSUANT TO Rules 52 and 77 (E) of the Tribunal’s Rules of Procedure and Evidence;

HEREBY ISSUES the attached redacted versions of the Order and the Arrest Warrants.

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



Judge Alphons Orie
Presiding Judge

Dated this First day of December 2015
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Further Decision on Order in Lieu of Indictment, 5 December 2014 (Confidential and *ex parte*), Annex B.

² 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.

ANNEX A
PUBLIC REDACTED REVISED ORDER IN LIEU OF
INDICTMENT

PUBLIC REDACTED REVISED ORDER IN LIEU OF INDICTMENT

TRIAL CHAMBER II, recalling its “Decision on motions regarding allegations of contempt”, issued on 30 October 2012 in Case No. IT-03-67-T, and acting pursuant to its inherent jurisdiction and Rules 54 and 77 of the Rules of Procedure and Evidence, charges:

PETAR JOJIĆ

JOVO OSTOJIĆ

VJERICA RADETA

with **CONTEMPT OF THE TRIBUNAL** for having threatened, intimidated, offered bribes to or otherwise interfered with Witnesses 1 and 2 as set forth below.

THE ACCUSED

1. **PETAR JOJIĆ** is a lawyer serving on the defence team of Vojislav Šešelj.
2. **JOVO OSTOJIĆ** is a former war companion of Witness 2 and a *Četnik Vojvoda*.
3. **VJERICA RADETA** is a lawyer serving on the defence team of Vojislav Šešelj and a Member of the Serbian Parliament.

BACKGROUND FACTS

4. In [REDACTED] 2003, Ljubiša Petković introduced Witness 3 to the Prosecution [REDACTED] following which Witness 3 began to cooperate with the Prosecution with a view to testifying as a Prosecution witness in *Prosecutor v. Vojislav Šešelj* (“Šešelj case”). In 2004, Witness 4 began cooperating with the Prosecution with a view to testifying as a Prosecution witness in the Šešelj case.
5. In [REDACTED] 2007, Ljubiša Petković telephoned Witness 4 and tried to persuade him not to testify for the Prosecution, to ignore the Prosecution’s investigator and to contact all Prosecution witnesses he was aware of and tell them not to testify for the Prosecution. Ljubiša Petković told Witness 4 that he was contacting Prosecution insider witnesses to intimidate them and persuade them to become witnesses for the Vojislav Šešelj defence.
6. In [REDACTED] 2007, Ljubiša Petković organised a meeting with Witness 3 and Witness 4 [REDACTED] in Belgrade, Serbia. At this meeting, Ljubiša Petković advised them against testifying voluntarily in the Šešelj case and told Witness 4 to tell the Prosecution to “get lost” if they

contacted him. Ljubiša Petković also informed Witness 3 and Witness 4 of three Prosecution witnesses who had been turned and would testify for the Vojislav Šešelj defence.

7. Until Witness 3's testimony in [REDACTED], Ljubiša Petković frequently telephoned trying to persuade him not to testify for the Prosecution but instead to meet with Zoran Krasić, lead associate on Vojislav Šešelj's defence team, and Petar Jojić. Witness 3 refused. [REDACTED]

8. [REDACTED] Ljubiša Petković called Witness 4 and asked if he or Witness 3 had been harassed by "those bastards from The Hague". In [REDACTED] 2008, he again approached Witness 4 about becoming a defence witness and told him that he and his family would be considered "traitors" and would have problems in Serbia if he testified for the Prosecution. Ljubiša Petković also stated that he would bring Witness 4 to meet Zoran Krasić and Aleksandar Vucić, another lead associate on Vojislav Šešelj's defence team, and assured Witness 4 that his [REDACTED] problems could be taken care of. Witness 4 refused. In [REDACTED] 2008, Ljubiša Petković called Witness 4 daily, pressuring him to testify for the Vojislav Šešelj defence, and promising money [REDACTED] Witness 4 informed the Prosecution that he would not testify due to the significant pressure that had been exerted upon him and due to [REDACTED].

9. [REDACTED] Witness 4 signed a statement which was certified [REDACTED] and provided to the Prosecution [REDACTED]. In the statement, Witness 4 alleged that his statements to the Prosecution were given under coercion and that he did not want to testify for the Prosecution because he was a potential witness for the Vojislav Šešelj defence. [REDACTED] he provided a [REDACTED] statement to the defence, stating that he had never agreed to testify for the Prosecution and that [REDACTED] had given false testimony before the Tribunal. In a [REDACTED] statement as a defence witness, [REDACTED] Witness 4 changed his account, previously given to the Prosecution, on material points for the *Šešelj* trial. [REDACTED]

FACTS IN RESPECT OF WITNESS 1

10. Witness 1 began cooperating with the Prosecution in [REDACTED] he was brought to The Hague to testify as [REDACTED].

11. In [REDACTED], Witness 1 met [REDACTED] Ljubiša Petković, who put him in touch with Vjerica Radeta, a member of the Vojislav Šešelj defence and a Member of the Serbian Parliament. She told Witness 1 that the Vojislav Šešelj defence would help him if he changed the account he had given to the Prosecution [REDACTED] and became a witness for the defence. [REDACTED] Witness 1 received payments in the sum of 500 Euros per month. He would telephone the Serbian Radical Party and a delivery of the cash would be made to him. Vjerica

Radeta drafted Witness 1's [REDACTED] statement for the defence for him to sign. About a month before his testimony in the contempt trial against Vojislav Šešelj (Case No. IT-03-67-R77.3) in [REDACTED] 2011, Witness 1 received a summary of the questions, which were to be put to him by Vojislav Šešelj, and the answers thereto, which he was told to memorize and give in response. The questions put to him followed those provided in advance. [REDACTED] after his testimony, the payments ceased and the Vojislav Šešelj defence started avoiding him.

FACTS IN RESPECT OF WITNESS 2

12. Witness 2 began cooperating with the Prosecution in [REDACTED].

13. In [REDACTED] 2008, Jovo Ostojić telephoned Witness 2 and [REDACTED] he was introduced to Petar Jojić. Petar Jojić said that the Vojislav Šešelj defence knew that he had provided statements to the Prosecution and that he should now give them a "little statement". Petar Jojić then proceeded to dictate a statement to a woman who typed it, whilst Jovo Ostojić made occasional corrections. The statement was untruthful in that it contained false allegations against the Prosecution and misrepresented the role and responsibilities of Vojislav Šešelj during the war. Witness 2 thereafter signed the statement without reading it. [REDACTED] Jovo Ostojić [REDACTED] told him [REDACTED] that he would receive regular monthly payments from the Serbian Radical Party. [REDACTED]

14. [REDACTED]

15. Once Witness 2 had agreed to cooperate with the Vojislav Šešelj defence, Ljubiša Petković and Vjerica Radeta, among others, would visit him [REDACTED] to ensure he did not waver. He was repeatedly dissuaded from continuing to cooperate with the Prosecution and was put under pressure to resign and accept regular payments from the Serbian Radical Party.

16. [REDACTED]

17. [REDACTED] in advance of Witness 2's testimony in [REDACTED] 2011 in the contempt proceedings against Vojislav Šešelj (IT-03-67-R77.3), he received a document by Ljubiša Petković which set out the questions which Vojislav Šešelj would ask him in court and the answers he was told to give in reply. He was told to memorize the information in the document, which contained untruthful information. Witness 2 testified in accordance with the statements he had provided to the defence. Witness 2 received [REDACTED] payment from the Serbian Radical Party [REDACTED].

CHARGES AGAINST PETAR JOJIĆ

COUNT 2

18. By the acts described above in paragraph 13, Petar Jojić committed contempt of the Tribunal pursuant to Rule 77(A)(iv) with respect to Witness 2.

CHARGES AGAINST JOVO OSTOJIĆ**COUNT 3**

19. By the acts described above in paragraphs 13 and 14, Jovo Ostojić committed contempt of the Tribunal pursuant to Rule 77(A)(iv) with respect to Witness 2.

CHARGES AGAINST VJERICA RADETA**COUNT 8**

20. By the acts described above in paragraph 11, Vjerica Radeta committed contempt of the Tribunal pursuant to Rule 77(A)(iv) with respect to Witness 1.

COUNT 9

21. By the acts described above in paragraph 15, Vjerica Radeta committed contempt of the Tribunal pursuant to Rule 77(A)(iv) with respect to Witness 2.

ANNEX B
PUBLIC REDACTED VERSION OF
ARREST WARRANT (OSTOJIC)

**UNITED
NATIONS**



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of former Yugoslavia since 1991

Case No. IT-03-67-R77.5

Date: 19 January 2015

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird

Registrar: Mr. John Hocking

Order of: 19 January 2015

PROSECUTOR

v.

**PETAR JOJIĆ
JOVO OSTOJIĆ
VJERICA RADETA**

PUBLIC REDACTED VERSION

**WARRANT OF ARREST AND ORDER FOR SURRENDER OF
JOVO OSTOJIĆ**

The Government of the Republic of Serbia
via the Embassy of the Republic of Serbia to
the Netherlands, The Hague

Amicus Curiae Prosecutor
Diana Ellis, Q.C.

The Government of the Kingdom of the Netherlands
Attn: The Ministry of Foreign Affairs
The Ministry of Justice

THIS TRIAL CHAMBER 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 amended Order in Lieu of Indictment issued by the Chamber on 5 December 2014;¹

PURSUANT TO Rules 54, 55, 56, 57, 58, 59, 59*bis* and 77 of the Tribunal’s Rules of Procedure and Evidence and Articles 19, 21 and 29 of its Statute,

HEREBY ISSUES an arrest warrant and **DIRECTS AND AUTHORISES** the competent authorities of the Republic of Serbia to whom this warrant is transmitted to search for, arrest, detain, and surrender promptly to the Tribunal:

JOVO OSTOJIC, son of Aleksa, born 3 January 1952 in Preigrevica, Apatin municipality, Republic of Serbia, whose prosecution is being pursued for having committed contempt of the Tribunal pursuant to Rule 77(A)(iv) by interfering with a witness [REDACTED].

REQUESTS the competent authorities of the Republic of Serbia to advise Jovo Ostojić, at the time of his arrest and in a language that he understands, of the charges against him, of his rights set forth in Article 21 of the Statute and, *mutatis mutandis*, in Rules 42 and 43 of the Rules, which are annexed hereto in English and BCS, and of his right to remain silent, and to caution him that any statement he makes shall be recorded and may be used in evidence;

REQUESTS the Registrar of the Tribunal to negotiate with the relevant authorities of the Republic of Serbia and the Kingdom of the Netherlands to arrange for the transfer of Jovo Ostojić to the seat of the Tribunal;

REQUESTS the competent authorities of the Republic of Serbia to execute this warrant promptly pursuant to Rule 56 of the Rules, and promptly notify the Registrar of the Tribunal of the arrest of Jovo Ostojić pursuant to Rule 57 of the Rules, and to arrange with the Registrar of the Tribunal and the Kingdom of the Netherlands for his transfer to the seat of the Tribunal;

¹ Further Decision on Order in Lieu of Indictment, 5 December 2014, confidential and *ex parte* Annex B.

REQUESTS the competent authorities of the Republic of Serbia to escort Jovo Ostojić to an airport in the Republic of Serbia, to escort him on the aeroplane to an airport in the Kingdom of the, and to hand him over to the authorities of the Kingdom of the Netherlands pursuant to further agreement with the Registrar of the Tribunal and the authorities of the Kingdom of the Netherlands;

REQUESTS the authorities of the Kingdom of the Netherlands to take Jovo Ostojić into custody at such airport and escort him to the seat of the Tribunal pursuant to further agreement with the Registrar of the Tribunal and the authorities in the Netherlands; and

REQUESTS the authorities of the Republic of Serbia immediately to report to the Registrar of the Tribunal if they are unable to execute this warrant of arrest and to indicate the reasons for such non execution, pursuant to Rule 59(A) of the Rules.

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

Judge O-Gon Kwon
Presiding

Dated this nineteenth day of January 2015
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX C
PUBLIC REDACTED VERSION OF
ARREST WARRANT (RADETA)

**UNITED
NATIONS**

International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of former Yugoslavia since 1991

Case No. IT-03-67-R77.5

Date: 19 January 2015

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird

Registrar: Mr. John Hocking

Order of: 19 January 2015

PROSECUTOR

v.

**PETAR JOJIĆ
JOVO OSTOJIĆ
VJERICA RADETA**

PUBLIC REDACTED VERSION

**WARRANT OF ARREST AND ORDER FOR SURRENDER OF
VJERICA RADETA**

The Government of the Republic of Serbia

via the Embassy of the Republic of Serbia to
the Netherlands, The Hague

Amicus Curiae Prosecutor
Diana Ellis, Q.C.

The Government of the Kingdom of the Netherlands

Attn: The Ministry of Foreign Affairs
The Ministry of Justice

THIS TRIAL CHAMBER 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 amended Order in Lieu of Indictment issued by the Chamber on 5 December 2014;¹

PURSUANT TO Rules 54, 55, 56, 57, 58, 59, 59bis and 77 of the Tribunal's Rules of Procedure and Evidence and Articles 19, 21 and 29 of its Statute,

HEREBY ISSUES an arrest warrant and **DIRECTS AND AUTHORISES** the competent authorities of the Republic of Serbia to whom this warrant is transmitted to search for, arrest, detain, and surrender promptly to the Tribunal:

VJERICA RADETA, born 15 October 1955, residing at [REDACTED], whose prosecution is being pursued for having committed contempt of the Tribunal pursuant to Rule 77(A)(iv) by interfering with one witness between [REDACTED] and by interfering with a second witness between [REDACTED].

REQUESTS the competent authorities of the Republic of Serbia to advise Vjerica Radeta, at the time of her arrest and in a language that she understands, of the charges against her, of her rights set forth in Article 21 of the Statute and, *mutatis mutandis*, in Rules 42 and 43 of the Rules, which are annexed hereto in English and BCS, and of her right to remain silent, and to caution her that any statement she makes shall be recorded and may be used in evidence;

REQUESTS the Registrar of the Tribunal to negotiate with the relevant authorities of the Republic of Serbia and the Kingdom of the Netherlands to arrange for the transfer of Vjerica Radeta to the seat of the Tribunal;

REQUESTS the competent authorities of the Republic of Serbia to execute this warrant promptly pursuant to Rule 56 of the Rules, and promptly notify the Registrar of the Tribunal of the arrest of Vjerica Radeta pursuant to Rule 57 of the Rules, and to arrange with the Registrar of the Tribunal and the Kingdom of the Netherlands for her transfer to the seat of the Tribunal;

¹ Further Decision on Order in Lieu of Indictment, 5 December 2014, confidential and *ex parte* Annex B.

REQUESTS the competent authorities of the Republic of Serbia to escort Vjerica Radeta to an airport in the Republic of Serbia, to escort her on the aeroplane to an airport in the Kingdom of the Netherlands, and to hand her over to the authorities of the Kingdom of the Netherlands pursuant to further agreement with the Registrar of the Tribunal and the authorities of the Kingdom of the Netherlands;

REQUESTS the authorities of the Kingdom of the Netherlands to take Vjerica Radeta into custody at such airport and escort her to the seat of the Tribunal pursuant to further agreement with the Registrar of the Tribunal and the authorities in the Netherlands; and

REQUESTS the authorities of the Republic of Serbia immediately to report to the Registrar of the Tribunal if they are unable to execute this warrant of arrest and to indicate the reasons for such non execution, pursuant to Rule 59(A) of the Rules.

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

Judge O-Gon Kwon
Presiding

Dated this nineteenth day of January 2015
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX D
PUBLIC REDACTED VERSION OF
ARREST WARRANT (JOJIĆ)

**UNITED
NATIONS**

International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of former Yugoslavia since 1991

Case No. IT-03-67-R77.5

Date: 19 January 2015

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird

Registrar: Mr. John Hocking

Order of: 19 January 2015

PROSECUTOR

v.

**PETAR JOJIĆ
JOVO OSTOJIĆ
VJERICA RADETA**

PUBLIC REDACTED VERSION

**WARRANT OF ARREST AND ORDER FOR SURRENDER OF
PETAR JOJIĆ**

The Government of the Republic of Serbia

via the Embassy of the Republic of Serbia to
the Netherlands, The Hague

Amicus Curiae Prosecutor
Diana Ellis, Q.C.

The Government of the Kingdom of the Netherlands
Attn: The Ministry of Foreign Affairs
The Ministry of Justice

THIS TRIAL CHAMBER 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 amended Order in Lieu of Indictment issued by the Chamber on 5 December 2014;¹

PURSUANT TO Rules 54, 55, 56, 57, 58, 59, 59bis and 77 of the Tribunal’s Rules of Procedure and Evidence and Articles 19, 21 and 29 of its Statute,

HEREBY ISSUES an arrest warrant and **DIRECTS AND AUTHORISES** the competent authorities of the Republic of Serbia to whom this warrant is transmitted to search for, arrest, detain, and surrender promptly to the Tribunal:

PETAR JOJIĆ, born 12 July 1938, residing at [REDACTED], whose prosecution is being pursued for having committed contempt of the Tribunal pursuant to Rule 77(A)(iv) by interfering with a witness in [REDACTED] 2008.

REQUESTS the competent authorities of the Republic of Serbia to advise Petar Jojić, at the time of his arrest and in a language that he understands, of the charges against him, of his rights set forth in Article 21 of the Statute and, *mutatis mutandis*, in Rules 42 and 43 of the Rules, which are annexed hereto in English and BCS, and of his right to remain silent, and to caution him that any statement he makes shall be recorded and may be used in evidence;

REQUESTS the Registrar of the Tribunal to negotiate with the relevant authorities of the Republic of Serbia and the Kingdom of the Netherlands to arrange for the transfer of Petar Jojić to the seat of the Tribunal;

REQUESTS the competent authorities of the Republic of Serbia to execute this warrant promptly pursuant to Rule 56 of the Rules, and promptly notify the Registrar of the Tribunal of the arrest of Petar Jojić pursuant to Rule 57 of the Rules, and to arrange with the Registrar of the Tribunal and the Kingdom of the Netherlands for his transfer to the seat of the Tribunal;

¹ Further Decision on Order in Lieu of Indictment, 5 December 2014, confidential and *ex parte* Annex B.

REQUESTS the competent authorities of the Republic of Serbia to escort Petar Jojić to an airport in the Republic of Serbia, to escort him on the aeroplane to an airport in the Kingdom of the Netherlands, and to hand him over to the authorities of the Kingdom of the Netherlands pursuant to further agreement with the Registrar of the Tribunal and the authorities of the Kingdom of the Netherlands;

REQUESTS the authorities of the Kingdom of the Netherlands to take Petar Jojić into custody at such airport and escort him to the seat of the Tribunal pursuant to further agreement with the Registrar of the Tribunal and the authorities in the Netherlands; and

REQUESTS the authorities of the Republic of Serbia immediately to report to the Registrar of the Tribunal if they are unable to execute this warrant of arrest and to indicate the reasons for such non execution, pursuant to Rule 59(A) of the Rules.

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

Judge O-Gon Kwon
Presiding

Dated this nineteenth day of January 2015
At The Hague
The Netherlands

[Seal of the Tribunal]