



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-95-14 & 14/2-R77

Date: 28th September 2005

Original: English

IN TRIAL CHAMBER I

Before: Judge Liu Daqun, Presiding
Registrar: Mr. Hans Holthuis
Date filed: 28th September 2005

THE PROSECUTOR

v.

JOSIP JOVIĆ

**WARRANT OF ARREST AND
ORDER FOR SURRENDER**

To:
The Office of the Prosecutor
Mr. David Akerson

To:
The Government of the Republic of Croatia
per: the Croatian Embassy in The Hague

To:
Counsel for the Defense
Mr. Krešimir Krsnik

To:
The Government of the Kingdom of the Netherlands
att: The Ministry of Foreign Affairs.

I, JUDGE LIU DAQUN, Presiding Judge in Trial Chamber I (“the 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 (“the International Tribunal”);

NOTING the President’s Order of 20th September 2005 to assign this case to Trial Chamber I pursuant to Rule 19 of the Rules;

NOTING the indictment submitted by the Prosecutor against Mr. Josip Jović (“the Accused”), as confirmed by Judge Alphons Orie, on 9th September 2005, which is attached to the present “Warrant of Arrest and Order for Surrender” as Annex A;

NOTING the Order summoning the Accused to Appear for his initial appearance before the Trial Chamber on 26th September 2005 (“the Summons”), issued by Judge Alphons Orie on 9th September 2005, and attached to this “Warrant of Arrest and Order for Surrender” as Annex B;

NOTING the Record of Serving the Indictment (Ref. nr.: I Kir-1859/05), filed by the County Court in Split on 27th September 2005, in which an Investigative Judge at the County Court in Split confirms that the Summons and the Indictment and the relevant provisions in the Tribunal’s Statute (“the Statute”) and Rules of Procedure and Evidence (“the Rules”) were served on the Accused in Croatian and English versions on 16th September 2005;

NOTING that the Accused failed to appear before the Tribunal as ordered on 26th September 2005;

CONSIDERING that, according to Rule 59*bis* of the Rules, a permanent Judge may order the Registrar to transmit to an appropriate authority or international body or the Prosecutor a copy of a warrant for the arrest of an accused, *on such terms as the Judge may determine*;

PURSUANT TO Articles 19(2) and 29 of the Statute, and Rules 54, 55 and 59*bis* of the Rules;

HEREBY DIRECT AND AUTHORISE the competent Authorities of the Republic of Croatia, to which this warrant is transmitted, to **search for, arrest, detain and surrender** to the International Tribunal, the Accused:

Josip Jović, ID Card No. 12791081, who is believed to reside in the Republic of Croatia, and who was the Editor-in-Chief of the newspaper *Slobodna Dalmacija* from 27th November to 29th December 2000, and who is indicted by this Tribunal for having allegedly committed, as Editor-in-Chief, contempt of the Tribunal under Rules 77(A); 77(A)(ii) and 77(A)(iv) of the Rules;

REQUEST the competent Authorities of the Republic of Croatia to advise the Accused, at the time of his arrest and in a language that he understands, of his rights as set forth in Article 21 of the Statute and, *mutatis mutandis*, in Rules 42 and 43 of the Rules, which are annexed hereto, 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; and

REQUEST the competent Authorities of the Republic of Croatia to execute this warrant promptly; to notify the Registrar of the International Tribunal immediately of the arrest of the Accused; and to arrange for his transfer to the International Tribunal pursuant to Rule 57 of the Rules;

REQUEST the competent Authorities of the Republic of Croatia to escort the Accused to an airport in Croatia and to escort him on the aeroplane to an airport in the Kingdom of the Netherlands and to hand him over there to the authorities of the Kingdom of the Netherlands pursuant to further agreement with the Dutch Authorities and the Registrar of the Tribunal ;

REQUEST the Authorities of the Kingdom of the Netherlands to take the Accused into custody at such airport and to escort him to the seat of the Tribunal pursuant to further agreement with the Croatian Authorities and the Registrar of the Tribunal;

ORDER the Registrar to negotiate with the relevant authorities of the Republic of Croatia and the Kingdom of the Netherlands to arrange for the transfer of the Accused to and from the seat of Tribunal;

REQUEST the Authorities of the Republic of Croatia to report forthwith to the Registrar of the International 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.

Dated this twenty eighth day of September 2005,
The Hague,
The Netherlands



Judge Liu Daqun

[Seal of the Tribunal]

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

ANNEX A

Case No. IT-95-14 & 14/2- R77

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

JOSIP JOVIĆ

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia ("the Tribunal"), pursuant to her authority under Article 18 of the Statute of the Tribunal and Rule 77 of the Rules of Procedure and Evidence of the Tribunal, charges:

JOSIP JOVIĆ

with CONTEMPT OF THE TRIBUNAL

THE ACCUSED

Josip JOVIĆ (hereinafter "JOVIĆ"). JOVIĆ was Editor-in-Chief of *Slobodna Dalmacija* (daily newspaper in Split, Croatia) at all times relevant to this indictment.

CHARGES

COUNT 1

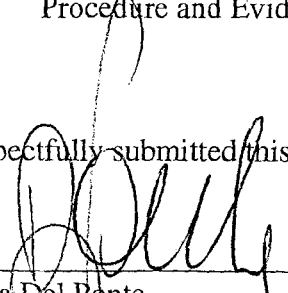
CONTEMPT OF THE TRIBUNAL

- 1) On 19 April 1997, the Office of the Prosecutor ("OTP") took the statement of a sensitive witness ("the WITNESS") for the case, *The Prosecutor v. Tihomir BLAŠKIĆ*, IT-95-14-A ("the *BLAŠKIĆ* case").
- 2) On 6 June 1997, the Trial Chamber ordered protective measures for the WITNESS. The OTP had requested the measures after the statement was leaked to and published by Croatian newspapers. The Trial Chamber ordered that, as of the date of the order, "the accused, his counsels and their representatives not disclose to the public or to the media the name of the witnesses residing in the territory of the former Yugoslavia or any information which would permit them to be identified, unless absolutely necessary for the preparation of the defence".
- 3) From 16 to 19 March 1998, the WITNESS testified at the Tribunal. It was in closed session, as ordered by the Trial Chamber after having heard the parties on the issue on 16 March 1998.
- 4) From 27 to 30 November 2000, *Slobodna Dalmacija* published excerpts of the WITNESS' statement of 19 April 1997. On the 27 and the 28 November 2000, the newspaper expressly stated that the WITNESS testified from 16 to 19 March 1998.
- 5) On 01 December 2000, the OTP filed a "Notice of Breach of Security in Respect of Private Session Hearings" seeking an order against *Slobodna Dalmacija* and *Globus* (a Croatian weekly) to cease and desist publishing confidential statements.
- 6) The same day, 01 December 2000, the Trial Chamber granted the OTP's motion and ordered "the Immediate Cessation of Violations of Protective Measures for Witnesses." It ordered that the publication of statements and testimonies of any protected witnesses should cease immediately and stated that publication could expose its publishers to contempt charges. The Chamber also asked the Registrar to serve the decision on *Globus* and *Slobodna Dalmacija* by facsimile.
- 7) Between 01 December 2000 and 03 December 2000, the Order was served on *Globus* and *Slobodna Dalmacija*. *Slobodna Dalmacija* printed the order in its Sunday, 3 December 2000 issue (article headline: "Haaski sud Slobodnoj zabranio daljnje objavljivanje Mesiceva svjedocenja"). In an accompanying editorial ("Agresija na pravnu drzavu!"), it stated that the order was arrogant and constituted meddling in the sovereignty of Croatia and aggression against the legal state.
- 8) On 03 December 2000, *Slobodna Dalmacija* published an article ("Tuzitelj: Za svjedoka optuzbe trazim zatvorenu sjednicu jer mu prijete") containing excerpts of closed session transcripts of the WITNESS' testimony in the *BLAŠKIĆ* trial, in violation of the 01 December 2000 order.

- 9) On 04 December 2000, *Slobodna Dalmacija* published an editorial (“Slobodnoj Dalmaciji stize haaska tuzba”) in which **JOVIĆ** says that the order is shocking and would decide whether to continue to publish the transcripts after studying all the legal aspects of the ban.
- 10) On 06 December 2000, *Slobodna Dalmacija* published (“Branitelj Hayman: Mesice lagati medijima kako nema veze s procesom Blaskiću”) closed session transcripts from the *BLAŠKIĆ* trial, March 16, 1998. In another article (“Sest razloga zasto Slobodna objavljuje Mesicevo svjedocenje”), **JOVIĆ** stated that the newspaper would continue publishing the closed session transcripts despite the 01 December 2000 order. **JOVIĆ** listed six reasons why he published the transcripts.
- 11) On 07 December 2000, *Slobodna Dalmacija* published (“Tudman mi je naredio da smijenim Stjepana Kljuica!”) closed session transcripts from the *BLAŠKIĆ* trial, 17 March 1998.
- 12) From 08 December to 24 December and from 27 December to 29 December 2000, *Slobodna Dalmacija* continued to publish articles on a daily basis, containing excerpts of closed session transcripts of the WITNESS’ testimony in the *BLAŠKIĆ* trial, despite the Court Order issued on 01 December 2000.
- 13) As Editor-in-chief of *Slobodna Dalmacija* from 27 November 2000 to 29 December 2000, **JOVIĆ** knowingly and wilfully interfered with the administration of justice by publishing the identity of a protected ICTY witness, by publishing the fact that the witness testified in closed session at the Tribunal, and by publishing excerpts of that testimony, in whole or in part, and by directly violating the 01 December 2000 court order.
- 14) By these acts and omissions, **JOVIĆ** committed or otherwise aided and abetted in the commission of:

Count 1: Contempt of the Tribunal, punishable under the Tribunal’s inherent power, Rule 77(A), Rule 77(A)(ii) and Rule 77(A)(iv) of the Rules of Procedure and Evidence of the Tribunal.

Respectfully submitted this 29th day of August, 2005


Carla Del Ponte
Prosecutor

The Hague
The Netherlands



UNITED
NATIONS



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: IT-95-14 & 14/2-R77

Date: 9 September 2005

Original: English

BEFORE THE CONFIRMING JUDGE

Before: Confirming Judge Alphons Orié

Registrar: Mr Hans Holthuis

Date: 9 September 2005

THE PROSECUTOR

v.

JOSIP JOVIĆ

ORDER SUMMONING THE ACCUSED TO APPEAR

I, Judge Alphons Orie, Judge 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 (“International Tribunal”);

CONSIDERING that an indictment against the accused, Mr **Josip JOVIĆ** was confirmed today; and

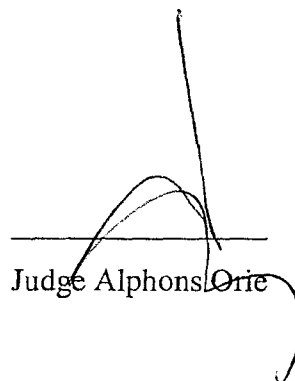
PURSUANT to United Nations Security Council Resolution 827 of 25 May 1993, Article 19(2) of the Statute of the International Tribunal and Rule 54 of the Rules of Procedure and Evidence;

SUMMON Mr. **Josip JOVIĆ** to appear before the Trial Chamber at the International Tribunal on **26 September 2005 at 2:30 p.m.** to answer charges of Contempt under Rule 77 of the International Tribunal Rules of Evidence and Procedure; and

ORDER Mr. **Josip JOVIĆ** to comply with the travel schedule for his initial appearance at the International Tribunal, such schedule to be communicated to him by the Registrar of the International Tribunal.

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

Dated this Ninth day of September 2005,
At The Hague,
The Netherlands



Judge Alphons Orie