

**PUBLIC ANNEX C**

**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**

**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. **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]. Between 14 and 16 January 2008, 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 2007, 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

I 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 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.