



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 Orie, 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”);<sup>1</sup>

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

**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”;<sup>3</sup>

**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

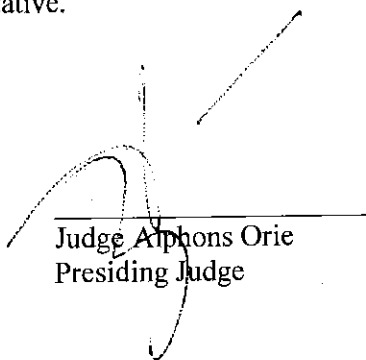
<sup>1</sup> Request of the *Amicus Curiae* Prosecutor for Assistance in Obtaining Full Transcripts of the Hearings Before the High Court in Belgrade, 7 July 2017, paras 1, 6.

<sup>2</sup> Invitation to the Republic of Serbia, 17 July 2017.

<sup>3</sup> 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]