



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: 9 October 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: 9 October 2017

IN THE CASE AGAINST

**PETAR JOJIĆ
AND
VJERICA RADETA**

PUBLIC

**DECISION ON *AMICUS CURIAE* PROSECUTOR'S
FURTHER 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);

NOTING that on 28 August 2017, the Chamber requested the Republic of Serbia (“Serbia”) to provide documents requested by the *amicus curiae* Prosecutor (“Decision”);¹

NOTING that on 18 September 2017, the Registry informed the Chamber that it had received documents from Serbia, which it forwarded to the *amicus curiae* Prosecutor pursuant to the Decision;²

BEING SEISED of the *amicus curiae* Prosecutor’s further request, filed on 3 October 2017 (“Further Request”), submitting that the documentation provided is incomplete and seeking the Chamber’s assistance in order to obtain: (i) the transcript of the review proceedings in the War Crimes Chamber of the High Court on 17 May 2016; (ii) the audio-recordings of both hearings of 17 May 2016 (Preliminary Proceedings and Review Proceedings); and (iii) a copy of the summons relating to each accused by which their attendance was obtained at the court in Belgrade on 17 May 2016 (collectively “Further Documents”);³

NOTING that on 3 August 2017, in response to an earlier invitation by the Chamber, Serbia stated, *inter alia*, that there were no obstacles to providing the sought material;⁴

CONSIDERING Serbia’s willingness to assist the Tribunal in this respect;

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

PURSUANT TO Article 29 of the Tribunal’s Statute;

GRANTS the Further Request;

REQUESTS Serbia to provide the Further Documents, within two weeks of the date of this decision, to the Registrar of the Tribunal; and

¹ Decision on *Amicus Curiae* Prosecutor’s Request for Assistance, 28 August 2017.

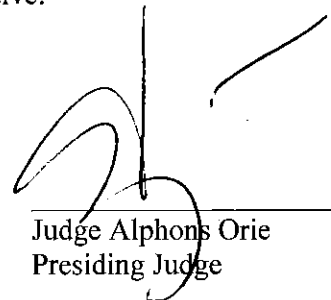
² CSSS Internal Memorandum in Compliance with the Decision dated 28 August 2017, 18 September 2017.

³ Further Request of the *Amicus Curiae* Prosecutor for Assistance in Obtaining Material Relating to the Hearings Before the High Court in Belgrade in May 2016, 3 October 2017, paras 1, 7, 10.

⁴ Submission by Serbia, 3 August 2017, p. 2.

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

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



Judge Alphons Orié
Presiding Judge

Dated this Ninth day of October 2017
At The Hague
The Netherlands

[Seal of the Tribunal]