



(IT-03-67)

VOJISLAV ŠEŠELJ



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Indicted for persecutions on political, racial or religious grounds, inhumane acts, murder, torture, cruel treatment, destruction



In June 1990, founded the Serbian National Renewal Party, later renamed the Serbian Chetnik Movement (SČP). In December 1990, the authorities of the Socialist Federal Republic of Yugoslavia (SFRY) banned the SČP. Appointed President of the newly founded Serbian Radical Party (SRS) on 23 February 1991. Elected as a member of the Assembly of the Republic of Serbia in June 1991.

Crimes indicted for (examples):

Persecutions on political, racial or religious grounds, deportation, inhumane acts (forcible transfer) (crimes against humanity)

Murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property (violations of the laws or customs of war)

From on or about 1 August 1991 until at least September 1993, Vojislav Šešelj, acting individually or in concert with known and unknown members of a joint criminal enterprise (JCE), planned, ordered, instigated, committed or otherwise aided and abetted in the planning, preparation or execution of, or physically committed, persecutions of Croat, Muslim and other non-Serb civilian populations in the territory which was referred to by the Serb authorities as the "Serbian Autonomous Region (SAO) of Slavonia, Baranja and Western Srem" and in the municipalities of Zvornik, "Greater Sarajevo" (municipalities of Ilijaš, Vogošća, Novo Sarajevo, Ilidža and Rajlovac), Mostar and Nevesinje in Bosnia and Herzegovina, as well as parts of Vojvodina in Serbia. These persecutions were committed on political, racial and religious grounds and included:

- The murder of many Croat, Muslim and other non-Serb civilians, including women and elderly persons, in the municipality of Vukovar in Croatia, and in the municipalities of Zvornik, "Greater Sarajevo", Mostar and Nevesinje;
- The prolonged and routine imprisonment and confinement of Croat, Muslim and other non-Serb civilians in detention facilities within Croatia and Bosnia and Herzegovina, including prison camps in Vukovar, and in Zvornik, "Greater Sarajevo", Mostar and Nevesinje;
- The establishment and perpetuation of inhumane living conditions for Croat, Muslim and other non-Serb civilian detainees within the detention facilities;
- Killings and repeated torture and beatings of Croat, Muslim and other non-Serb civilian detainees in the detention facilities;
- The prolonged and frequent forced labour of Croat, Muslim and other non-Serb civilians detained in the detention facilities or under house arrest in their respective homes in Vukovar, Zvornik, "Greater Sarajevo"

and Mostar. The forced labour included digging of graves, loading of ammunition for the Serb forces, digging trenches and other forms of manual labour at the frontlines;

- The sexual assaults of Croat, Muslim and other non-Serb civilians by Serb soldiers during capture and in the detention facilities;
- The imposition of restrictive and discriminatory measures against the Croat, Muslim and other non-Serb civilian populations, including persons in Zvornik, "Greater Sarajevo", Mostar and Nevesinje, and in parts of Vojvodina, Serbia (namely Hrtkovci, Nikinci, Ruma, Šid and other places bordering Croatia), such as restriction of movement, removal from positions of authority in local government institutions and the police, dismissal from jobs, denial of medical care, and arbitrary searches of homes;
- The torture, beating and robbing of Croat, Muslim and other non-Serb civilians;
- The deportation or forcible transfer of tens of thousands of Croat, Muslim and other non-Serb civilians from the territories as specified above;
- The deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat, Muslim and other non-Serb civilian populations in the municipality of Vukovar, and in the municipalities of Zvornik, "Greater Sarajevo", Mostar and Nevesinje;
- The direct and public denigration through "hate speech" of the Croat, Muslim and other non-Serb populations in Vukovar, Zvornik and Hrtkovci on the basis of their ethnicities.

Born	11 October 1954 in Sarajevo, Bosnia and Herzegovina
Indictment	Initial: 14 February 2003; amended: 27 May 2005; modified amended: 15 July 2005; reduced modified amended: 8 November 2006; third amended: 9 January 2008
Surrendered	23 February 2003
Transferred to ICTY	24 February 2003
Initial and further appearances	26 February 2003, did not enter a plea; 25 March 2003, pleaded not guilty to all charges

STATISTICS

TRIAL	
Commenced	7 November 2007
Trial Chamber III	Judge Jean-Claude Antonetti (presiding), Judge Frederick Harhoff and Judge Flavia Lattanzi
Counsel for the Prosecution	Mathias Marcussen , Ulrich Müssemeier, Lisa Biersay, Divya Prasad
Counsel for the Defence	self-representation

RELATED CASES <i>by geographical area</i>
BABIĆ (IT-03-72)
DOKMANOVIĆ (IT-95-13A) "VUKOVAR HOSPITAL"
GALIĆ (IT-98-29) "SARAJEVO"
HADŽIĆ (IT-04-75)
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"
MARTIĆ (IT-95-11) "RSK"
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA AND BOSNIA"
MLADIĆ (IT-09-92) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
MRKSIĆ <i>et al.</i> (IT-95-13/1) "VUKOVAR HOSPITAL"
NALETILIĆ AND MARTINOVIĆ (IT-98-34) "TUTA AND ŠTELA"
PERIŠIĆ (IT-04-81)
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"
PRLIĆ <i>et al.</i> (IT-04-74)
SIMIĆ <i>et al.</i> (IT-95-9) "BOSANSKI ŠAMAC"
SIMIĆ MILAN (IT-95-9/2) "BOSANSKI ŠAMAC"
STANIŠIĆ & SIMATOVIĆ (IT-03-69)
STANIŠIĆ MICO (IT-04-79)
TODOROVIĆ (IT-95-9/1) "BOSANSKI ŠAMAC"

INDICTMENT AND CHARGES

The initial indictment against Vojislav Šešelj was confirmed by Judge O-Gon Kwon on 14 February 2003. On 1 November 2004 the Prosecution filed a proposed amended indictment which was confirmed by the Trial Chamber in its decision of 27 May 2005. On the same date the Trial Chamber ordered the Prosecution to file a corrigendum to the amended indictment. The corrigendum was filed by the Prosecution on 7 July 2005. On 8 July 2005, the Trial Chamber granted the corrigendum in part and ordered the Prosecution to file a modified amended indictment, this was done on 15 July 2005.

On 31 August 2006, the Trial Chamber invited the Prosecution, pursuant to Rule 73bis(D) of the Rules, to suggest ways in which to reduce the scope of the modified amended indictment by at least one third. After an initial rejection of the invitation, the Prosecution filed its proposal on 21 September 2006, which included dropping certain counts and identifying a number of crime sites in Croatia and Bosnia and Herzegovina in respect of which evidence would not be presented. On 8 November 2006, the Trial Chamber ordered, *inter alia*, that counts 2, 3, 5, 6 and 7 be removed from the indictment. The Prosecution filed a redacted version of the reduced modified amended indictment on 30 March 2007.

On 27 November 2007, the Trial Chamber ordered the Prosecution to file an amended indictment, which was to further modify the second amended indictment that the Prosecution had filed on 28 September 2007 but which was never confirmed. The third amended indictment was filed on 7 December 2007 and confirmed as the operative indictment in the case on 9 January 2008.

The indictment alleges that, in June 1990, Vojislav Šešelj founded the Serbian National Renewal Party, subsequently renamed the Serbian Chetnik Movement (SČP). After the elections of December 1990 the authorities of the Socialist Federal Republic of Yugoslavia (SFRY) banned the Serbian Chetnik Movement. On 23 February 1991, Vojislav Šešelj was appointed President of the newly founded Serbian Radical Party (SRS). In June 1991, he was elected as a member of the Assembly of the Republic of Serbia. In almost daily rallies and election campaigns, he called for Serb unity and war against Serbia's "historic enemies", namely the ethnic Croat, Muslim and Albanian populations within the territories of the former Yugoslavia.

The indictment alleges that Šešelj participated in a JCE, and that the purpose of this JCE was the permanent forcible removal, through the commission of crimes, of a majority of the Croat, Muslim and other non-Serb populations from approximately one-third of the territory of Croatia and large parts of Bosnia and Herzegovina, and from parts of Vojvodina, in order to make these areas part of a new Serb-dominated state. With respect to Croatia the areas included those regions that were referred to by Serb authorities as the "SAO Krajina" (i.e. the Serb Autonomous Region of Krajina), the "SAO Western Slavonia",

and the "SAO Slavonia, Baranja and Western Srem" (after 19 December 1991, the "SAO Krajina" became known as the RSK ("Republic of Serbian Krajina") and on 26 February 1992, the "SAO Western Slavonia" and the "SAO Slavonia, Baranja and Western Srem" joined the RSK), as well as the "Dubrovnik Republic /Dubrovačka republika/". With respect to Bosnia and Herzegovina, the areas included Bosanski Šamac, Zvornik, five municipalities collectively known as "Greater Sarajevo" (Ilijaš, Vogošća, Novo Sarajevo, Ilidža and Rajlovac), Bijeljina, Mostar, Nevesinje and Brčko.

The JCE came into existence before 1 August 1991 and continued at least until December 1995. Šešelj participated in the JCE until September 1993 when he had a conflict with Slobodan Milošević. Each participant in the JCE played a role that significantly contributed to the objective of the enterprise. Participants in this joint criminal enterprise included Milošević, Veljko Kadijević, Blagoje Adžić, Ratko Mladić, Radmilo Bogdanović, Jovica Stanišić, Franko Simatović also known as "Frenki", Radovan Stojičić, also known as "Badža", Milan Martić, Goran Hadžić, Milan Babić, Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Željko Ražnjatović, also known as "Arkan" and other political figures from the SFRY, the Republic of Serbia, the Republic of Montenegro and the Bosnian and Croatian Serb leadership. Participants in the JCE also included "Serb Forces", collectively defined as members of the Yugoslav People's Army (JNA), later the Yugoslav Army (VJ), the newly-formed Serb Territorial Defence (TO) of Croatia and of Bosnia and Herzegovina, the army of the Republika Srpska Krajina (SVK) and the army of the Republika Srpska (VRS), as well as the TOs of Serbia and of Montenegro, local Serb, Republic of Serbia and Republika Srpska police forces (MUP forces), including the State Security (DB) Branch of the Ministry of Interior of the Republic of Serbia, and Serb special police forces of the SAO Krajina and the RSK commonly referred to as "Martić's Police", "Martićevci", "SAO Krajina Police" or "SAO Krajina Milicija" and members of Serbian, Montenegrin, Bosnian and Croatian Serb paramilitary forces and volunteer units including "Chetniks", or "Šešeljevci" (translated as "Šešelj's men").

Šešelj, as President of the Serbian Radical Party (SRS), was a prominent political figure in the SFRY/FRY in the time period relevant to this Indictment. He is alleged to have propagated a policy of uniting "all Serbian lands" in a homogeneous Serbian state. He defined the so-called Karlobag-Ogulin-Karlovac-Virovitica line as the western border of this new Serbian state which he referred to as "Greater Serbia" and which included Serbia, Montenegro, Macedonia and considerable parts of Croatia and Bosnia and Herzegovina.

Acting alone and in concert with other members of the JCE, Šešelj, is alleged to have participated in the recruitment, formation, financing, supply, support and direction of Serbian volunteers connected to the SRS and/or SČP through and/or with the assistance of the SRS Crisis Staff (later War Staff). He made inflammatory speeches in the media, during public events, and during visits to the volunteer units and other Serb forces in Croatia and Bosnia and Herzegovina, instigating those forces to commit crimes. He espoused and encouraged the creation of a homogeneous "Greater Serbia" by violence, and thereby participated in war propaganda and incitement of hatred towards non-Serb people. In public speeches he called for the expulsion of Croat civilians from parts of the Vojvodina region in Serbia and thus instigated his followers and the local authorities to engage in a persecution campaign against the local Croat population. He participated in the planning and preparation of the take-over of towns and villages in two SAOs in Croatia and in the municipalities of Bosanski Šamac, Zvornik, "Greater Sarajevo", Bijeljina, Mostar, Nevesinje and Brčko in Bosnia and Herzegovina, and the subsequent forcible removal of the majority of the non-Serb population from those areas. He participated in the provision of financial, material, logistical and political support necessary for such take-overs. He obtained this support, with the help of Slobodan Milošević, from the Serbian authorities and from Serbs living abroad where he collected funds to support the aim of the JCE. He recruited Serbian volunteers connected to the SRS and indoctrinated them with his extreme ethnic rhetoric so that they engaged in the forcible removal of the non-Serb population in the targeted territories through the commission of crimes as specified in the indictment with particular violence and brutality.

Šešelj is charged on the basis of individual criminal responsibility (Article 7(1) of the Statute) with:

- Persecutions on political, racial or religious grounds, deportation, inhumane acts (forcible transfer) (crimes against humanity, Article 5) and
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- Murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property (violations of the laws or customs of war, Article 3).

THE TRIAL

The trial commenced on 27 November 2006, in the absence of Vojislav Šešelj who had been on a hunger-strike since 10 November and refused to appear in court.

In light of this situation, the Trial Chamber issued a decision on 27 November 2006, terminating the self-representation status of the accused and assigning Counsel to conduct his defence.

The Prosecution made its opening statement on 27 and 28 November 2006.

On 1 December 2006, in light of the medical situation of the accused, the Trial Chamber ordered an adjournment of the trial until further notice.

On 6 December 2006, the Trial Chamber ordered the Dutch authorities to provide medical services with the aim of protecting the health and welfare of the accused and to avoid loss of life.

On 7 December 2006, Šešelj filed an appeal against the decision on imposed counsel, and on 8 December 2006, the Appeals Chamber issued its decision “nullif[ying] the opening of the proceeding in this case and order[ing] that the trial restart” when Vojislav Šešelj was “fully able to participate in the proceeding as a self-represented accused.”

The trial recommenced on 7 November 2007 with the opening statement by the Prosecution. The presentation of evidence commenced on 11 December 2007.

On 11 February 2009, the Trial Chamber issued a majority decision (Judge Antonetti dissenting) granting a motion by the Prosecution to adjourn the proceedings due to the alleged intimidation of a number of their witnesses.

On 24 November 2009, the Chamber granted a motion by the accused for the review of the adjournment decision and ordered that the trial should resume on 12 January 2010.