



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-PT
Date: 11 September 2006
Original: English

BEFORE THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Decision of: 11 September 2006

THE PROSECUTOR

v.

Vojislav ŠEŠELJ

**DECISION ON ŠEŠELJ'S REQUEST THAT THE ICTY PRESIDENT ORDER THE
REMOVAL OF ALL OBSTACLES THAT RESTRICT THE EQUALITY OF ALL RADIO
AND TELEVISION STATIONS TO BROADCAST ŠEŠELJ'S TRIAL**

Counsel for the Prosecutor:

Ms. Hildegard Uertz-Retzlaff
Mr. Daniel Saxon
Mr. Ulrich Müssemer

The Accused:

Mr. Vojislav Šešelj

Assigned Counsel

Mr. David Hooper

Former Standby Counsel:

Mr. Tjarda Eduard van der Spoel

[Handwritten signature]

1. On 14 July 2006, Vojislav Šešelj (“Šešelj”) filed a Request before me¹ asking that I order the removal “of all obstacles that restrict the equality of all radio and television stations in Serbia with respect to the right to television and radio broadcasts from the ICTY courtrooms” of his trial.² He request that I do so in accordance with the powers under the Statute and Rules of Procedure and Evidence (“Rules”) of the Tribunal, and for the purpose of ensuring the transparency of his trial. In this respect, he argues that “(t)he public nature of the work of the courts is a universally recognized value of the civilized world, and it is respected in all democratic countries and systems of the world”³ and must also be respected by the Tribunal.⁴

2. Unfamiliar with any restrictions being placed upon the transmission of proceedings from the ICTY, I requested the Registrar to respond to Šešelj’s Request. On 31 August 2006, the Deputy Registrar filed his Response.⁵ In that Response, the Deputy Registrar advised me that:

...the International Tribunal has consistently pursued a policy of openness and transparency with regard to public and media access to trial proceedings. The International Tribunal does not broadcast its trials to any particular television station or network. Instead, there is in place a technical system that allows any television station or network to record and/or broadcast proceedings as they deem fit. To date, a variety of television stations have used this system to record/and or broadcast trials. At no time has a television station been denied access to this system, or been granted exclusive or privileged rights to broadcast.⁶ The Registrar assures the Accused and the President that there is no intention to alter the above policy for the Accused’s trial.⁷

3. In light of the Response of the Deputy Registrar, I am satisfied that there is no obstacle at the Tribunal that restricts “the equality of all radio and television stations in Serbia with respect to the right to television and radio broadcasts from the ICTY courtrooms”.⁸ Accordingly, there is no basis for Šešelj’s Request that I remove obstacles to the broadcast of his trial. All radio and television stations in Serbia and elsewhere have equal access to proceedings of the Tribunal for the purposes of public broadcast of those proceedings.

¹ Professor Vojislav Šešelj Requests that the ICTY President Orders the Removal of All Obstacles that Restrict the Equality of all Radio and Television Stations in Serbia With Respect to the Right to Television and Radio Broadcasts from the ICTY Courtrooms of the Trial of Professor Vojislav Šešelj, 14 July 2006, translation filed 8 August 2006 (“Request”).

² Request, p. 5.

³ *Ibid.*,

⁴ *Ibid.*

⁵ Deputy Registrar’s Submission Regarding Vojislav Šešelj’s Submission of 8 August 2006, 31 August 2006 (“Response”).

⁶ *Ibid.*, para. 4.

⁷ *Ibid.*, para. 5.

⁸ Request, p. 5.

4. The Request is accordingly dismissed as being without merit.

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

Done this 11th day of September 2006,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]