



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-T
Date: 13 September 2013
Original: English

THE PRESIDENT OF THE TRIBUNAL

Before: Judge Theodor Meron, President
Registrar: Mr. John Hocking
Decision of: 13 September 2013

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

**DECISION ON VOJISLAV ŠEŠELJ'S
COMPLAINT TO THE PRESIDENT OF THE ICTY**

The Accused
Mr. Vojislav Šešelj

I, THEODOR MERON, President 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 (“Tribunal”);

BEING SEISED OF the “Complaint to the President of the ICTY”, filed by Vojislav Šešelj (“Šešelj”) on 26 August 2013¹ (“Complaint”), in which Šešelj requests that I ensure that his privileged telephone communications with his recognized legal assistants, Mr. Dejan Mirović and Mr. Milan Terzić, are restored in accordance with the Deputy Registrar of the Tribunal’s (“Deputy Registrar”) decision to cease monitoring his privileged communications;²

NOTING that Šešelj claims that he has been unable to establish privileged communications by telephone with his registered legal assistants, despite using the officially recognized telephone number and line, and asserts that this violates his rights;³ and qualifies the Deputy Registrar’s reference to possible future restrictions of his communications as a “threat”;⁴

NOTING the Response, in which the Deputy Registrar, *inter alia*, contends that: (i) the United Nations Detention Unit (UNDU) administration has fully restored Šešelj’s privileged communications;⁵ (ii) any delay in authorizing the correct office numbers was caused by Šešelj and his legal assistants;⁶ and (iii) the reference to potential future sanctions pursuant to the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal⁷ was made in light of Šešelj’s history of violating the Rules of Detention;⁸

RECALLING the general principles relating to review of administrative decisions made by the Registry of the Tribunal;⁹

CONSIDERING that the Deputy Registrar’s reference to possible future restrictions under the Rules of Detention for violation of UNDU rules and regulations is not unreasonable and does not violate Šešelj’s rights;¹⁰

¹ An English translation was filed on 29 August 2013.

² See Complaint, p. 1; Registry Submission pursuant to Rule 33(B) regarding Vojislav Šešelj’s “Complaint to the President of the ICTY” dated 29 August 2013 (“Response”), Annex I (“Impugned Decision”).

³ Complaint, p. 2.

⁴ Complaint, p. 2.

⁵ Response, paras 2-3.

⁶ Response, paras 3-4.

⁷ IT/38/Rev.9, 21 July 2005 (“Rules of Detention”).

⁸ Response, para. 5.

⁹ See, e.g., *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Decision on Request for Review of Decision on Defence Team Funding, 31 January 2012, paras 6-7.

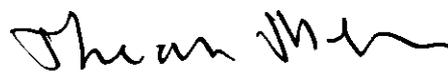
NOTING that the UNDU administration ceased monitoring Šešelj's privileged communications with his recognized legal associates on 19 August 2013;¹¹

CONSIDERING, therefore, that Šešelj's request to restore privileged communications is moot, as his privileged communications have been fully reinstated;¹²

FOR THE FOREGOING REASONS,

HEREBY dismiss the Complaint in its entirety.

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



Judge Theodor Meron
President

Dated this 13th day of September 2013,
At The Hague,
The Netherlands.

[Seal of the Tribunal]

¹⁰ *Contra* Complaint, p. 2.

¹¹ Response, paras 2-3. Šešelj did not file a reply contesting these facts.

¹² See, e.g., *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-PT, Decision on "Request of the Accused asking President of the Tribunal Theodor Meron to Reverse the Decision of the Deputy Registrar Prohibiting Dr Vojislav Šešelj from Communicating with Anyone and Receiving Visits for at least 60 days", 21 September 2005, para. 2.