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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

PRESS RELEASE

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TRIAL CHAMBER

The Hague, 27 November 2006

OK/MOW/1129e

VOJISLAV ŠEŠELJ ASSIGNED COUNSEL BY TRIAL CHAMBER

The Trial Chamber in the case against accused Vojislav Šešelj decided today to assign him defence counsel for the further conduct of his case.

Judge Orić, the presiding judge, delivered the decision orally during the pre-trial conference which took place immediately before the commencement of trial and at which Šešelj failed to appear.

In coming to its decision, the Trial Chamber considered various factors: the conduct of the accused especially in the period since the Appeals Chamber's decision of 20 October 2006, the warnings that have been issued to the accused by the Chamber during the status conferences on 8 and 22 November 2006 and by the Appeals Chamber in its decision, the fact that the accused has failed to respond to the Trial Chamber's invitation of 22 November to make submissions regarding his conduct and the question of his legal representation, as well as the fact that the accused persists in not taking food and that he persists in being absent from the proceedings. Finally, the Chamber concluded that the accused's self-representation in the course of the period since the 20 October 2006, *"has substantially obstructed the proper and expeditious conduct of the proceedings"* and found that *"permanent assignment of counsel to represent the accused... is at this point justified"*.

It further ordered that Vojislav Šešelj's participation in the proceedings will be through counsel unless the Trial Chamber determines otherwise upon hearing from counsel. The Trial Chamber also requested the Registry to appoint Tjarda Eduard Van der Spoel as independent counsel to take any necessary action in relation to an appeal against its decision and to report to the Trial Chamber on that issue by 28 November 2006.

On 21 August 2006, the Trial Chamber issued a decision to assign Šešelj a defence counsel on the basis that *"the conduct of the accused as a whole - obstructionist and disruptive behaviour; deliberate disrespect for the rules; intimidation of, and slanderous comments about, witnesses - leads Chamber to conclude that there is a strong indication that his self-representation may substantially and persistently obstruct the proper and expeditious conduct of a fair trial."*

On 20 October 2006, the Appeals Chamber reversed the Trial Chamber's decision but also explicitly warned Šešelj that, *"should his self-representation subsequent to this Decision substantially obstruct the proper and expeditious proceedings in his case, the Trial Chamber will be justified in promptly assigning him counsel after allowing Šešelj the right to be heard with respect to his subsequent behaviour"*.

On 25 October 2006, the Trial Chamber issued an order for the appointment of standby counsel to perform the following functions: to assist the accused in the preparation and presentation of his case, to offer advice to the accused as he sees fit, to address the court when requested by the accused or the Trial Chamber, to receive copies of all court documents, filings, and disclosed materials provided to the accused, to be present in the courtroom during proceedings, to be prepared to take over the conduct of the defence from the accused and effectively bring the defence case to conclusion, to put questions to witnesses under certain circumstances, to temporarily take over the conduct of the defence if the Trial Chamber orders him to do so, and to permanently take over the conduct of the defence from the accused should the Trial Chamber find that the accused's conduct is substantially obstructing the proper and expeditious proceedings. On 30 October 2006, the Registry appointed David Hooper as standby counsel and Andreas O'Shea as Hooper's co-counsel.

Courtroom proceedings can be followed on the Tribunal's website.

Internet address: <http://www.un.org/icty>

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