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International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

# PRESS RELEASE

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REGISTRY

The Hague, 8 December 2006  
RH/MOW/1134e

## VOJISLAV ŠEŠELJ TO RESUME TAKING FOOD

Vojislav Šešelj has informed the Tribunal that he will resume taking foodstuffs and receive medical attention, ending his refusal since 11 November 2006 to do so.

The Tribunal's doctor commenced an examination of Šešelj in order to determine his condition and what immediate steps are required in order to safeguard his health.

Šešelj informed the Tribunal that his decision was made in view of the Appeals Chamber's decision issued today, as well as commitments from the Registry to facilitate many of his requests concerning arrangements for his defence. The Appeals Chamber's decision granted Šešelj's appeal against the Trial Chamber's decision to impose stand by counsel.

The Appeals Chamber ruled that all trial proceedings in this case following the order of the Trial Chamber directing the Registry to appoint standby counsel are set aside. The trial of Šešelj is suspended until such time as he is fit enough to fully participate in the proceeding as a self-represented accused.

In addressing Šešelj's appeal, the Appeals Chamber found that, while appreciating the efforts of the Trial Chamber to ensure the fair and expeditious conduct of this trial, the Trial Chamber abused its discretion by immediately ordering the imposition of standby counsel, without first establishing additional obstructionist behaviour on the part of Šešelj warranting that imposition. By so doing, the Trial Chamber failed to give Šešelj a real opportunity to show to the Trial Chamber that despite his conduct in pre-trial, and the conduct leading up to the imposition of assigned counsel, he now understood that in order to be permitted to conduct his defence, he would have to comply with the Rules of Procedure and Evidence of the Tribunal and that he was willing to do so. It was this opportunity that the Appeals Chamber Decision intended to accord to Šešelj.

The Appeals Chamber reversed the Impugned Decision assigning counsel to Šešelj and directed the Trial Chamber not to impose standby counsel unless Šešelj exhibits obstructionist behaviour fully satisfying the Trial Chamber that, in order to ensure a fair and expeditious trial, Šešelj requires the assistance of standby counsel. The Appeals Chamber ruled that, should a time come when the Trial Chamber felt justified in making such a decision, the Rule 44 list of Counsel should initially be provided to Šešelj and he should be permitted to select standby counsel from that list. The Appeals Chamber placed similar conditions of restraint on the exercise by the Trial Chamber of its discretion to impose assigned counsel in the future should Šešelj fail to abide by the Tribunal's Rules of Procedure and Evidence as a self-represented accused and behave in a way that persistently obstructs the proceedings.

Due to the current health condition of Šešelj, the Appeals Chamber ordered that his trial should not open until such time as he is fully able to participate in the proceeding as a self-represented accused.

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