



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: 20 November 2006  
Original: English

**BEFORE THE BUREAU OF THE INTERNATIONAL CRIMINAL TRIBUNAL**

**Before:** Judge Fausto Pocar, President  
Judge Kevin Parker  
Judge Carmel Agius  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney

**Registrar:** Mr. Hans Holthuis

**Decision of:** 20 November 2006

**THE PROSECUTOR**

v.

**Vojislav ŠEŠELJ**

**DECISION ON MOTION FOR DISMISSAL PROCEEDINGS TO BE ISSUED BY THE  
BUREAU AGAINST JUDGE PATRICK ROBINSON, JUDGE ALPHONS ORIE AND  
JUDGE BAKONE JUSTICE MOLOTO**

**Counsel for the Prosecutor:**

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

**The Accused (representing himself):**

Mr. Vojislav Šešelj

**Standby Counsel:**

Mr. David Hooper  
Mr. Andreas O'Shea

1. Vojislav Šešelj (“Šešelj”) has filed before the Bureau<sup>1</sup> of the International Criminal Tribunal<sup>2</sup> a Motion requesting it to initiate proceedings before relevant United Nations Organs for the removal from judicial office<sup>3</sup> of Judges Robinson, Orié and Moloto alleging that they do not fulfil the qualification requirements set out in Article 13 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (“Statute”).<sup>4</sup>

2. As Bureau members Judge Robinson and Judge Orié are two of the Judges Šešelj seeks to have removed they have indicated that they are unable to carry out their functions as members of the Bureau pursuant to Rule 23 (E) of the Rules. Accordingly, in order to determine the motion, the Bureau has been reconstituted in accordance with Rule 17 of the Rules with Judges Shahabuddeen and Güney replacing Judges Robinson and Orié.

3. Šešelj’s Motion alleges that Judges Robinson, Orié and Moloto do not meet the qualification requirements of Article 13 of the Statute. There is no authority conferred on the Bureau to assess the qualifications of Judges elected to the International Criminal Tribunal by the General Assembly of the United Nations or to institute proceedings against them. Therefore, this Motion is not properly before the Bureau.

**Disposition**

4. On the basis of the foregoing, Šešelj’s Motion is **DISMISSED**.

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

Done this 20th day of November 2006,  
At The Hague,  
The Netherlands.

  
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Judge Fausto Pocar  
President

**[Seal of the International Tribunal]**

<sup>1</sup> Pursuant to Rule 23 of the Rules of Procedure and Evidence (“Rules”), the Bureau is composed of the President, the Vice-President and the Presiding Judges of the Trial Chambers.  
<sup>2</sup> International Criminal Tribunal for the Former Yugoslavia (“International Criminal Tribunal”).  
<sup>3</sup> Initiative on the Part of Dr Vojislav Šešelj for Dismissal Proceedings to be Initiated by the Bureau Against Judges Alphonsus (sic) Orié, Patrick Robinson and Bakone Moloto, 25 October 2006.  
<sup>4</sup> Motion, pg. 3. See also pgs. 9-10.