

**UNITED  
NATIONS**



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: 21 September 2005  
Original: English

**THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL**

**Before:** Judge Theodor Meron, President  
**Registrar:** Mr. Hans Holthuis  
**Order of:** 21 September 2005

**THE PROSECUTOR**

v.

**Vojislav ŠEŠELJ**

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**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"**

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**Office of the Prosecutor**

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

**The Accused**

Mr. Vojislav Šešelj

**Standby-Counsel**

Mr. Tjarda Eduard van der Spoel

1. On 29 August 2005, Vojislav Šešelj (“the Applicant”) applied, pursuant to Rule 66(C) of the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the International Tribunal or Otherwise Detained on the Authority of the Tribunal (“Detention Rules”) to have the President of the International Tribunal “revoke” a decision by the Deputy Registrar,<sup>1</sup> made at the request of the Prosecutor pursuant to Rule 66(A) of the Detention Rules, prohibiting “unless otherwise authorized . . . all communication between [the Applicant] with person(s) except for his legal counsel (if applicable), [and] diplomatic or consular representatives” until 22 August 2005.<sup>2</sup> The Applicant also asked the President to “order the Registrar and the Commander of the Detention Unit to enable [him] . . . to have normal communication immediately and in the future,”<sup>3</sup> and added a request that the “President of the Tribunal regulate all issues of contact and communication” between him and people he claims are assisting him in his *pro se* defense.<sup>4</sup>

2. The Applicant’s request for revocation of the Communications Embargo is moot, as the Embargo expired on 22 August 2005. Given that the Communications Embargo has expired, the Applicant is now subject to the “normal communication” regime that he seeks.

3. The Applicant’s request for an order guaranteeing a “normal communication” regime in the future, and “regulat[ing] all issues of contact and communication” with those assisting in his defense is likewise patently frivolous. Rule 66 of the Detention Rules strikes a careful balance between the need to respond quickly in the event a detainee is making improper communications and the need to give a detainee the opportunity to contest communication restrictions imposed upon him: the rule provides that the Registrar may, at the request of the Prosecutor, restrict a detainee’s communications if necessary to prevent one of several specified harms, yet also allows the detainee to seek Presidential review of any communication-restriction the Registrar imposes. Not only has the Applicant identified no precedent for issuance of a Presidential order comprehensively regulating contact between a detainee and others – an order that would undermine the Prosecutor’s and Registrar’s ability to respond to improper communications in the future – but he identifies no reason why Rule 66’s procedure for Presidential review would not suffice to protect his rights in the event his communications are improperly restricted in the future.

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<sup>1</sup> *Confidential* Decision of the Deputy Registrar, 23 June 2005 (“Communications Embargo” or “the Embargo”). This confidential decision was later made public. See Registry Notice Lifting Confidential Status of Registry Decision, 4 July 2005.

<sup>2</sup> 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, 29 August 2005 (“Defense Request”), p. 9.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* p. 5.

4. For the foregoing reasons, the “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” is **DISMISSED**.

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

Done this 21st day of September 2005,  
At The Hague  
The Netherlands



Judge Theodor Meron  
President

**Seal of the Tribunal**