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22 NOVEMBER 2006

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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: 22 November 2006

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Patrick Robinson
Judge Frank Höpfel

Registrar: Mr Hans Holthuis

Decision of: 22 November 2006

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

INVITATION TO ACCUSED TO MAKE SUBMISSIONS

Office of the Prosecutor:

Ms Hildegard Uertz-Retzlaff
Mr Dan Saxon
Mr Ulrich Müssemer
Ms Melissa Pack

The Accused (representing himself):

Mr Vojislav Šešelj

Standby Counsel:

Mr David Hooper
Mr Andreas O'Shea

TRIAL CHAMBER I (“Trial Chamber”) 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;

NOTING that the Accused received a warning by the Appeals Chamber that persistence in his disruptive behaviour may warrant termination of his self-represented status and the assignment of counsel to represent him, after he is given an opportunity to be heard;¹

NOTING that during the Status Conference of 1 November 2006, in response to a persistent and disorderly refusal by the Accused to remain in the courtroom with standby counsel, the Accused was escorted out of the courtroom, and the Trial Chamber ordered that standby counsel temporarily take over the conduct of the defence from the Accused,² in accordance with the Trial Chamber’s Order of 25 October 2006, paragraph 5(h);³

NOTING that during the Status Conference of 8 November 2006, and following the finding that the Accused breached confidentiality in relation to protective measures of a witness, the Trial Chamber issued a warning that, should any further breaches of confidentiality occur, counsel may be imposed to represent the Accused;⁴

NOTING that the Accused did not attend today’s Status Conference, and the information provided by the Acting Deputy-Registrar that the Accused was on a hunger strike;

NOTING that at today’s Status Conference the Accused was warned orally, via the Registry, that his refusal to attend the Status Conference constitutes disruptive conduct and may result in the temporary takeover of his defence by standby counsel;

NOTING that the Accused explicitly refused to appear in court;

CONCLUDING that the Accused’s failure to attend the Status Conference was due either to his self-induced physical condition or to a wilful and deliberate decision on his part not to attend;

FINDING that the Accused’s failure to attend the Status Conference constitutes disruptive conduct which substantially obstructs the proper and expeditious proceedings in his case, thereby causing an impediment for the Trial Chamber to proceed with the trial, and that such

¹ Decision on Appeal Against the Trial Chamber’s Decision on Assignment of Counsel, 20 October 2006, para. 52.

² T. 636.

³ Order on Appointment of Standby Counsel and Delayed Commencement of Trial, 25 October 2006 and Decision by the Deputy Registrar regarding the assignment of Standby Counsel, 30 October 2006.

⁴ Closed session, T. 769.

conduct either by itself or in conjunction with other conduct in respect of which the Trial Chamber has issued warnings warrants the imposition of counsel;

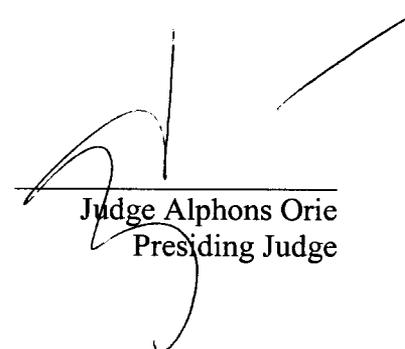
CONSIDERING that before deciding whether the Accused's self-representation is to be revoked, the Accused is to be given an opportunity to be heard;

PURSUANT TO Rule 54 of the Tribunal's Rules of Procedure and Evidence,

THE TRIAL CHAMBER DECIDES as follows:

1. The Accused is hereby warned that his conduct has been found to be substantially obstructive and that it warrants the imposition of counsel in accordance with the Trial Chamber's Order of 25 October 2006, paragraph 5(i);
2. Should the Accused wish to make submissions regarding his recent conduct or any decision the Trial Chamber might take on the question of his legal representation, he may do so in writing, in no more than 1,400 words, to be filed with the Registry no later than Friday 24 November 2006;
3. Should the Accused wish to make any further submissions on the matter, he will have an opportunity to do so orally, at the Pre-Trial Conference on Monday 27 November 2006;
4. Should the Accused choose not to make any submissions on this matter by the above time limits, the Trial Chamber will interpret this as a waiver of his right to be heard and will proceed to a final decision.

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



Judge Alphons Orié
Presiding Judge

Dated this twenty second day of November 2006
The Hague
The Netherlands

[Seal of the Tribunal]