



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: 9 July 2007

Original: ENGLISH
French

THE PRE-TRIAL JUDGE

Before: Judge Jean-Claude Antonetti

Registrar: Mr Hans Holthuis

Decision of: 9 July 2007

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON SUBMISSION NUMBER 240 REGARDING THE
DISCLOSURE OF DOCUMENTS**

The Office of the Prosecutor:

Ms Christine Dahl

The Accused:

Mr Vojislav Šešelj

I, **Jean-Claude Antonetti**, Judge 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 (“the Tribunal”);

SEIZED of Submission Number 240 regarding the disclosure of certain documents filed by Vojislav Šešelj (“the Accused”) on 11 January 2007 (“the Submission”);¹

NOTING the submissions of the Office of the Prosecutor (“the Prosecution”) regarding the admission of a certain number of expert reports and transcripts of testimony pursuant to Rule 94 *bis* of the Rules of Procedure and Evidence (“the Rules”) as well as the judicial notice of documentary evidence admitted in other cases before the Tribunal pursuant to Rule 94(B) of the Rules (together “the Requested Documents”);²

NOTING the notices of the Accused regarding the expert reports (“Responses to the Expert Reports”);³

NOTING the response of the Accused regarding the judicial notice of documentary evidence admitted in other cases before the Tribunal pursuant to Rule 94(B) of the Rules (“Response concerning Rule 94(B)”);⁴

NOTING the response of the Accused in respect of the admission of the addendum to the written statement of Witness VS-017 (“Response concerning Witness VS-017”);⁵

¹ Translation into English of BCS original “Submission number 240”, filed on 11 January 2007.

² “Prosecution’s Submission of the Expert Statement of Dr. Osman Kadić pursuant to Rule 94*bis*”, filed 12 July 2006; “Prosecution’s submission of the expert statement of Professor Dr. Zoran Stanković pursuant to Rule 94*bis*” filed 12 July 2006; “Prosecution’s submission of the expert report of Professor Dr. Davor Strinović pursuant to Rule 94*bis* and motion for the admission of transcripts pursuant to Rule 92*bis*(D)”, filed 13 July 2006; “Prosecution’s submission of the expert report of Colonel Ivan Grujić pursuant to Rule 94*bis* and motion for the admission of transcripts pursuant to Rule 92*bis*(D)”, filed 14 July 2006; “Prosecution’s motion to take judicial notice of documentary evidence pursuant to Rule 94(B) with annex A”, filed 14 July 2006 (“Motion concerning Rule 94(B)”); “Prosecution motion for the admission of addendum to written statement of witness VS-017 pursuant to Rule 92*ter*”, filed on 19 October 2006.

³ Translation into English of BCS originals “Professor Vojislav Šešelj’s Official Notice Concerning the Prosecution’s Submission of the Expert Statement of Dr. Osman Kadić Pursuant to Rule 94*bis*”; “Professor Vojislav Šešelj’s Official Notice Concerning the Expert Report of Professor Dr. Zoran Stanković Submitted by the Prosecution Pursuant to Rule 94*bis*”; “Professor Vojislav Šešelj’s Official Notice Concerning the Expert Statement of Professor Dr. Davor Strinović Pursuant to Rule 94*bis* and Response to the Prosecution’s Motion for the Admission of Transcripts Pursuant to Rule 92*bis*(D)”; “Professor Vojislav Šešelj’s Official Notice Concerning the Expert Statement of Colonel Ivan Grujić Pursuant to Rule 94*bis* and Response to the Prosecution’s Motion for the Admission of Transcripts Pursuant to Rule 92*bis*(D)”, filed on 16 April 2007.

⁴ Translation into English of BCS original “Professor Vojislav Šešelj’s Response to the Prosecution’s Motion to take Judicial Notice of the Documentary Evidence Pursuant to Rule 94(B) with Annex A”, filed on 16 April 2007.

⁵ Translation into English of BCS original “Professor Vojislav Šešelj’s Response to the Prosecution’s Partly Confidential Motion for Admission of an Addendum to the Written Statement of Witness VS-017 Pursuant to Rule 92*ter* with Confidential Annex A”, filed 24 April 2007.

CONSIDERING that a series of transcripts attests to the fact that the Accused received the Requested Documents in BCS on 13 February 2007, without however specifying the manner of disclosure;⁶

CONSIDERING nevertheless that, at the status conference of 4 April 2007, the Accused stated that he had not received the expert reports of Dr Zoran Stanković, Dr Osman Kadić, Colonel Ivan Grujić and Dr Davor Strinović⁷ and that, moreover, on several occasions he stated that he wished to receive the Requested Documents in hard-copy and in BCS;⁸

CONSIDERING therefore that in his Responses to the Expert Reports, the Accused states that he wishes to receive each one in BCS and in hard-copy;⁹

CONSIDERING also that in his Response concerning Rule 94 *bis* the Accused again requests that he receive the Rule 94 *bis* Motion in BCS and in hard-copy;¹⁰

CONSIDERING that in his Response concerning Witness VS-017, the Accused responds to the Prosecution submission on the merits and that, consequently, the pre-trial Judge holds that it is reasonable to consider that the motion was provided to the Accused in a format which he finds acceptable;

CONSIDERING that at the status conference of 4 April 2007, the Accused submitted that, just as he had not received the Requested Documents, he had not yet received the expert report of Ewa Tabeau in BCS and in hard-copy;¹¹

⁶ Transcripts dated 13 February 2007 attesting to the receipt of the translation into BCS of the English originals: "Prosecution's Submission of the Expert Statement of Dr. Osman Kadić pursuant to Rule 94*bis*", "Prosecution's submission of the expert statement of Professor Dr. Zoran Stanković pursuant to Rule 94*bis*", "Prosecution's submission of the expert report of Professor Dr. Davor Strinović pursuant to Rule 94*bis* and motion for admission of transcripts pursuant to Rule 92*bis*(D)", "Prosecution's submission of the expert report of Colonel Ivan Grujić pursuant to Rule 94*bis* and motion for the admission of transcripts pursuant to Rule 92*bis*(D)", "Prosecution's motion to take judicial notice of documentary evidence pursuant to Rule 94(B) with annex A", "Prosecution motion for the admission of addendum to written statement of witness VS-017 pursuant to Rule 92*ter*".

⁷ Status conference of 4 April 2007, T(F), p. 1016.

⁸ See footnote 3 *supra*.

⁹ Translation into English of BCS originals "Professor Vojislav Šešelj's Official Notice Concerning the Prosecution's Submission of the Expert Statement of Dr. Osman Kadić Pursuant to Rule 94*bis*", filed on 16 April 2007, p. 4; "Professor Vojislav Šešelj's Official Notice Concerning the Expert Report of Professor Dr. Zoran Stanković Submitted by the Prosecution Pursuant to Rule 94*bis*", filed on 16 April 2007, p.4; "Professor Vojislav Šešelj's Official Notice Concerning the Expert Statement of Professor Dr. Davor Strinović Pursuant to Rule 94*bis* and Response to the Prosecution's Motion for the Admission of Transcripts Pursuant to Rule 92*bis*(D)", filed on 16 April 2007, p. 5; "Professor Vojislav Šešelj's Official Notice Concerning the Expert Statement of Colonel Ivan Grujić Pursuant to Rule 94*bis* and Response to the Prosecution's Motion for the Admission of Transcripts Pursuant to Rule 92*bis*(D)", filed on 16 April 2007, p. 6.

¹⁰ Response concerning Rule 94(B), p. 5.

¹¹ Status conference of 4 April 2007, T(F) p. 1016, *see* also notice of the Accused of which the translation into English of the BCS original is entitled "Professor Vojislav Šešelj's official notice concerning the expert report of

CONSIDERING that although the expert report of Ewa Tabeau is not covered by the Submission, adopting the same approach for the Requested Documents seems to be in the interests of justice and a fair and expeditious trial;

CONSIDERING that in his decision of 7 June 2007, the pre-trial Judge ordered the disclosure, in hard-copy and in a language the Accused understands, of the materials covered by Rules 66 (A) (i), 66 (A) (ii) and 68 (i) of the Rules in order to allow the Accused to prepare and organise his own defence effectively;¹²

CONSIDERING that following this same reasoning, for the effective preparation of the defence of the Accused who is representing himself, the Requested Documents must be disclosed to him in a language he understands and in hard-copy;

FOR THE FOREGOING REASONS

PURSUANT TO Article 21 of the Statute;

PARTIALLY GRANT the Submission and **ORDER** the Prosecution to disclose, as soon as possible, in hard-copy and in a language the Accused understands:

- (i) the expert reports of Dr Osman Kadić, Dr Zoran Stanković, Dr Davor Strinović, Colonel Ivan Grujić, and Ewa Tabeau;
- (ii) the Motion concerning Rule 94(B);

DENY the remainder of the Submission.

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

Jean-Claude Antonetti
Pre-Trial Judge

Done this ninth day of July 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

Ewa Tabeau submitted by the Prosecution pursuant to Rule 92bis(D)", submitted 29 March 2007 and filed 16 April 2007.

¹² "Decision on Motion Number 289 regarding Form of Disclosure", filed 7 June 2007 ("Decision of 7 June"), para. 34.