



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: 26 July 2007

Original: ENGLISH
French

BEFORE THE PRE-TRIAL JUDGE

Before: Judge Jean-Claude Antonetti

Registrar: Mr Hans Holthuis

Decision of: 26 July 2007

THE PROSECUTOR

v.

Vojislav ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON THE ACCUSED'S THIRD MOTION
TO ADMIT SUBMISSIONS 210, 211 AND 212 (NUMBER 268)**

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 ("Tribunal");

SEISED of "Professor Vojislav Šešelj's Third Motion That Trial Chamber III Admit Submissions 210, 211 and 212", filed by Vojislav Šešelj ("Accused") on 25 April 2007 ("Motion");

NOTING the response by the Office of the Prosecutor ("Prosecution") filed on 9 May 2002 ("Response"),¹

NOTING the motion for leave to reply and the reply, filed jointly by the Accused on 29 May 2007 ("Reply"),²

CONSIDERING that the Accused moves for the admission of three documents which greatly exceed the word limit stipulated in the Practice Direction on the Length of Briefs and Motions ("Practice Directions"):³ i) the response to the prosecution's motion for judicial notice of adjudicated facts ("Submission 210");⁴ ii) response to the expert report of Anthony Oberschall ("Submission 211");⁵ iii) response to the expert report of Yves Tomić ("Submission 212");⁶

CONSIDERING that the Prosecution opposes the Motion on the grounds that it fails to demonstrate a proper basis on which to reconsider the decision issued by Trial Chamber I ("Chamber I") on 12 July 2006 and the exceptional circumstances which could justify an extension of the applicable word limit imposed on the Accused;⁷

CONSIDERING that on 12 July 2006, Chamber I ordered a prolongation of the deadline thus allowing the Accused to submit Submissions 210, 211 and 212 before 1 September 2006 and, moreover, allowed for Submission 210 to contain up to 5,000 words;⁸

CONSIDERING that on 25 August 2006 the Accused submitted submissions 210, 211 and 212 and that they contain, respectively, 47,193 words, 72,403 words and 30,336 words;

¹ The Prosecution's response to the third motion (no. 268) in which the Accused asks Trial Chamber III to admit submissions 210, 211 and 212, 9 May 2007.

² English translation of the BCS original: "Professor Vojislav Šešelj's Reply to the Prosecution's Response to the Accused's Third Motion That Trial Chamber III Admit Submissions 210, 211 and 212 (Submission 291)" dated 22 May 2007 and the English translation filed on 29 May 2007.

³ Practice Direction on the Length of Briefs and Motions (IT/184, Rev.2), 16 September 2005.

⁴ English translation of the BCS original: "Professor Vojislav Šešelj's Response to the Prosecutor's Request for Taking Judicial Notice of Adjudicated Facts and Appendix", dated 25 August 2006.

⁵ English translation of the BCS original: "Official Notice by Professor Vojislav Šešelj Concerning the Expert Report by Anthony Oberschall", dated 25 August 2006.

⁶ English translation of the BCS original: "Official Notice from Professor Vojislav Šešelj Concerning the Report by Expert Witness Yves Tomić", dated 25 August 2006.

⁷ Response, paras. 6, 8.

⁸ "Decision Regarding Deadlines for Responses to Motion on Expert Witnesses and Adjudicated Facts", 12 July 2006.

CONSIDERING that at the status conference of 22 November 2006, Chamber I informed the Accused that Submissions 210, 211 and 212 had been returned to him due to their excessive length;⁹

CONSIDERING, nevertheless, that, in his decision of 17 May 2007, the Pre-Trial Judge currently in charge of the case lessened the restrictions imposed by Chamber I, stating that “the circumstances which led Chamber I to set the limit at 800 words no longer exist [and] therefore, /.../ no valid reason exists to set the limit below the 3,000 words provided for in the [Practice] Direction”;¹⁰

CONSIDERING, that Submissions 210, 211 and 212 are important documents for the presentation of the Accused’s defence and that at this point of the trial it is in the interests of the administration of justice and a speedy trial to admit them such as they are despite the fact that they greatly exceed the word limit set by the Practice Directive;

FOR THE FOREGOING REASONS

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

GRANT the Motion

ORDER that Submissions 210, 211 and 212 be filed;

REMIND the Accused that using “language that may be considered obscene or otherwise offensive” in the submissions may lead to these submissions being rejected pursuant to the “Practice Direction on the Procedure for the Review of Written Submissions Which Contain Obscene or Otherwise Offensive Language”; and

INVITE the Accused to show moderation in his submissions.

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

/signed/
Jean-Claude Antonetti
Pre-Trial Judge

Done this twenty-sixth day of July 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

⁹ Status conference of 22 November 2006, T. 802.

¹⁰ Decision Amending the Criteria for the Filing of Submissions from the Accused, 17 May 2007, p. 2.