



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-T
Date: 30 January 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr Hans Holthuis

Decision of: 30 January 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON THE PROSECUTION'S
MOTION FOR EXTENSION OF TIME**

The Office of the Prosecutor

Ms Christine Dahl

The Accused

Mr Vojislav Šešelj

TRIAL CHAMBER III (“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 (“Tribunal”);

SEIZED of the motion filed by the Office of the Prosecutor (“Prosecution”) on 14 January 2008 requesting an extension of time to move for certification to appeal (“Motion”),¹

NOTING the Decision on the Prosecution’s Consolidated Motion Pursuant to Rules 89 (F), 92 *bis*, 92 *ter* and 92 *quater* of the Rules of Procedure and Evidence, rendered on 7 January 2008 (“Decision of 7 January 2008”) in which the Chamber denied the Prosecution’s requests to admit into evidence a number of written witness statements and transcripts testimony from other cases pursuant to Rules 92 *ter* and *quater* of the Rules of Procedure and Evidence (“Rules” and “92 *ter/quater* Motion”, respectively),²

CONSIDERING that in the same decision the Chamber deferred to rule on the rest of the motion “until the expiry of the time-limit for the Accused to respond to the Clarification”³ and will thus render a supplementary decision (“Supplementary Decision”),

CONSIDERING that the Chamber will not rule on the Prosecution’s request to admit the transcript testimony from other cases of the three witnesses that it intends to call as experts – Ivan Grujić, Ewa Tabeau and Dravor Strinović – before it reaches a decision on their status as experts,⁴

CONSIDERING that the Prosecution notes that at this stage a motion for certification to appeal is premature and will remain so until the Chamber rules on the whole of the 92 *ter/quater* Motion,⁵

CONSIDERING that the Prosecution’s argument to the effect that a ruling should be deferred on all the requests⁶ until the disposition of the issue raised in the

¹ Prosecution’s Motion for Extension of Time to Move for Certification to Appeal the Decision of 7 January 2008, 14 January 2008 (“Motion”).

² Decision on the Prosecution’s Consolidated Motion Pursuant to Rules 89 (F), 92 *bis*, 92 *ter* and 92 *quater* of the Rules of Procedure and Evidence, dated 7 January 2008 (“Decision of 7 January 2008”), para. 59.

³ *Ibid.*

⁴ *Id.*, para. 47.

⁵ Motion, p. 1.

Prosecution's application under Rule 15 of the Rules, presented orally by the Prosecution on 8 January 2008,⁷ is moot since this issue has already been settled,⁸

CONSIDERING that the Chamber finds that in the interest of the good administration of justice and in order to enable the Chamber to examine the objections of the Prosecution coherently, it must partially grant the Motion,

FOR THE FOREGOING REASONS

PURSUANT TO Rules 72(C) and 127 of the Rules,

PARTIALLY GRANTS the Motion and **ORDERS:**

(i) with regard to the Decision of 7 January 2008, and all other contested points resulting from the Supplementary Decision that will not rule on issues related to witnesses Ivan Grujić, Ewa Tabeau and Dravor Strinović, the Prosecution shall move for certification to appeal within seven days of the filing of the Supplementary Decision, and

(ii) with regard to witnesses Ivan Grujić, Ewa Tabeau and Dravor Strinović, the Prosecution shall move for certification to appeal within seven days of the filing of the 92 *ter/quarter* Motion decision relative to them.

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

 /signed/
Jean-Claude Antonetti
Presiding Judge

Done this thirtieth day of January 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ *Id.*, para. 4.

⁷ Hearing of 8 January 2008, transcript of the hearing in French, 2232-2237.

⁸ *Id.*, Order on the Prosecution Motion for the Disqualification of Judge Frederik Harhoff, 14 January 2008.