



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: 27 August 2008

Original: ENGLISH  
French

**BEFORE TRIAL CHAMBER III**

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

**Registrar:** Mr Hans Holthuis

**Decision of:** 27 August 2008

**THE PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

***PUBLIC DOCUMENT***

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**DECISION ON THE ACCUSED'S MOTION TO BE PRESENT  
DURING THE HEARINGS HELD IN THE MATTER OF LJUBIŠA  
PETKOVIĆ (IT-03-67-R77.1)**

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**The Office of the Prosecutor:**

Ms Christine Dahl  
Mr Daryl Mundis

**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 by Vojislav Šešelj (“Accused”) to be present during the hearings in The Matter of Ljubiša Petković which will be held as of 3 September 2008 (“Motion”);<sup>1</sup>

**CONSIDERING** that based on the right to a fair trial, the Accused seeks to attend the debates<sup>2</sup> to the same extent as the Office of the Prosecutor (“Prosecution”), that will attend the hearings in its capacity as a party to the proceedings;<sup>3</sup>

**CONSIDERING** that the Accused also argues that he is an interested party to the proceedings against Ljubiša Petković since the latter is “a witness for the defence” and the number of this case – IT-03-67-P[sic].77.1 – indicates its close connection with the present case;<sup>4</sup>

**CONSIDERING** that the Prosecution is not a party to the matter of contempt against Ljubiša Petković for not respecting the subpoena as a witness called by the Chamber<sup>5</sup> and that any title other than *Dans l’affaire contre Ljubiša Petković* or in English In the Matter of Ljubiša Petković is an error;

**CONSIDERING** consequently that the Prosecution has not attended the pre-trial hearings to date in the matter of Ljubiša Petković and will not attend subsequent hearings scheduled for the trial;

**CONSIDERING** that Ljubiša Petković, assisted by his Counsel, is the sole party in the matter against him before the Chamber and that consequently neither the Accused nor the Prosecution may be authorised by the Chamber to be present at the proceedings for contempt against Ljubiša Petković;

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<sup>1</sup> Motion of Professor Vojislav Šešelj for Trial Chamber III to Permit Him to be Present in the Courtroom and Follow the Trial of Ljubiša Petković for Contempt of the Tribunal (Submission 393) (“Motion”), submitted on 21 August 2008 and filed in English confidentially on 26 August 2008.

<sup>2</sup> *In the Matter of Ljubiša Petković*, Case No. IT-03-67-R77.1.

<sup>3</sup> Motion, pp. 3-4.

<sup>4</sup> Motion, p. 3.

<sup>5</sup> See the Subpoena of 7 April 2008, confidential, citing Witness Ljubiša Petković as witness for the Chamber; see also Order to Lift Confidentiality, 28 May 2008, lifting the confidentiality of the Subpoena of 7 April 2008.

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rule 54 of the Rules

**DENIES** the Motion.

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

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*/signed/*

Jean-Claude Antonetti  
Presiding Judge

Done this twenty-seventh day of August 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**