

UNITED
NATIONS

IT-03-67-T
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~~06~~ June 2012

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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
IT-04-75-PT
Date: 28 March 2012
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr John Hocking

Decision of: 28 March 2012

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON PROSECUTION'S URGENT REQUEST FOR EXTENSION
OF TIME TO COMPLY WITH TRIAL CHAMBER DECISION
DATED 13 MARCH 2012**

The Office of the Prosecutor

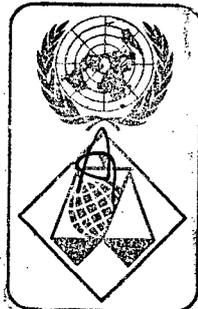
Mr Mathias Marcussen
Mr Douglas Stringer

The Accused

Mr Vojislav Šešelj

Counsel for Goran Hadžić

Mr Zoran Živanović
Mr Christopher Gosnell



TRIAL CHAMBER III 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 ("Chamber" and "Tribunal" respectively);

SEIZED of the urgent request filed publicly on 26 March 2012 by the Office of the Prosecutor ("Prosecution"), in which the Prosecution seeks a further extension of time of three weeks in order to comply with its obligations under paragraph 29 (a) of the decision rendered on 13 March 2012,¹ to inform the Registry of the Tribunal ("Registry") of the confidential *inter partes* documents from the file in the present case that can be disclosed immediately to Goran Hadžić ("Request");²

NOTING the Decision of 13 March 2012, in which the Chamber authorised Goran Hadžić to consult all confidential filings registered as *inter partes* in the present case pertaining to the events in Croatia between 1991 and 1993, subject to the conditions of access set out in the said Decision, and, to this end, ordered the Prosecution, in particular, to inform the Registry by 30 March 2012 at the latest which confidential *inter partes* filings in the present case pertaining to the events in Croatia between 1991 and 1993 can be disclosed immediately to Goran Hadžić as they are not likely to be the subject of any requests for delayed disclosure by the Prosecution;³

CONSIDERING that, in order to rule on the present Request, the Chamber does not consider it necessary to seek a response from Goran Hadžić,⁴ nor to wait for the expiry of the time limit given to Vojislav Šešelj ("Accused") to respond since the present decision is not likely to be detrimental either to Goran Hadžić given the advanced stage of the proceedings in Case No. IT-04-75, *The Prosecutor v. Goran Hadžić*,⁵ or to the Accused;

¹ "Decision on Motion of Goran Hadžić Seeking Access to Confidential Material Related to Croatia in Šešelj Case (IT-03-67)", 13 March 2012 (public), ("Decision of 13 March 2012").

² "Urgent Prosecution's Request for Extension of Time to Comply with Trial Chamber Decision Dated 13 March 2012", 26 March 2012 (public).

³ Decision of 13 March 2012, paras 28 to 43.

⁴ The Chamber notes that the Request is not addressed to Counsel for Goran Hadžić.

⁵ *The Prosecutor v. Goran Hadžić*, Case No. IT-04-75-PT, "Order on Pre-Trial Work Plan", 16 December 2011 (public). The Chamber notes, in particular, that, in the pre-trial phase of the *Hadžić* Case, the list of witnesses the Prosecution intends to call and the list of evidence it intends to present have to be filed on 19 June 2012.

CONSIDERING that the Prosecution submits that the process of identifying the confidential *inter partes* filings in the present case pertaining to the events in Croatia that can be disclosed to Goran Hadžić without the need to request additional protective measures cannot be completed within the deadline imposed, because such a process requires that numerous filings be read through in order to determine whether there is mention of witnesses whose identity cannot be disclosed to Goran Hadžić at this juncture;⁶

CONSIDERING that the Chamber holds that the Prosecution submits sufficient arguments in support of its Request and that the request for a further extension of time of three weeks is reasonable;

FOR THE FOREGOING REASONS

GRANTS the Request and **ORDERS** the Prosecution to inform the Registry by 20 April 2012 at the latest of the confidential *inter partes* filings in the file of the present case pertaining to the events in Croatia between 1991 and 1993 that can be disclosed immediately to the Appellant as they are not likely to be the subject of any requests for delayed disclosure.

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

/signed/
Jean-Claude Antonetti
Presiding Judge

Done this twenty-eighth day of March 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Request, para. 3.

