



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: 1 October 2007  
Original: ENGLISH  
French

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**BEFORE THE PRE-TRIAL JUDGE**

**Before: Judge Jean-Claude Antonetti**

**Registrar: Mr Hans Holthuis**

**Order of: 1 October 2007**

**THE PROSECUTOR**

**v.**

**VOJISLAV ŠEŠELJ**

***PUBLIC DOCUMENT***

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**ORDER ON SUBMISSIONS FILED UNDER RULE 67 OF THE RULES  
OF PROCEDURE AND EVIDENCE**

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**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”);

***PROPRIO MOTU***

**NOTING** Rule 67 (A) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) pursuant to which:

Within the time-limit prescribed by the Trial Chamber or by the pre-trial Judge appointed pursuant to Rule 65 *ter*:

- i) the defence shall notify the Prosecutor of its intent to offer:
  - a) the defence of alibi; in which case the notification shall specify the place or places at which the accused claims to have been present at the time of the alleged crime and the names and addresses of witnesses and any other evidence upon which the accused intends to rely to establish the alibi;
  - b) any special defence, including that of diminished or lack of mental responsibility; in which case the notification shall specify the names and addresses of witnesses and any other evidence upon which the accused intends to rely to establish the special defence; and
- ii) the Prosecutor shall notify the defence of the names of the witnesses that the Prosecutor intends to call in rebuttal of any defence plea of which the Prosecutor has received notice in accordance with paragraph i) above.

**CONSIDERING** that from September 2003 to 7 June 2006 it appears that Vojislav Šešelj served on the Office of the Prosecutor (“Prosecution”) 15 long submissions purporting to be notifications within the meaning of Rule 67 (A) (i) of the Rules (“67 (A) Submissions”);<sup>1</sup>

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<sup>1</sup> “Prosecution’s Submission Relating to Accused’s Submissions Under Rule 67(A)(i)”, 7 November 2006 (“Accused’s Submissions”), para. 1.

**CONSIDERING** that the Prosecution challenges the nature of the 67 (A) Submissions as well as the total lack of information with regard to witnesses the Accused intends to call within the meaning of Rule 67 (A) (i) (b) of the Rules;<sup>2</sup>

**CONSIDERING** that in his Reply of 22 June 2007 the Accused argues that it is his right to decide on the type and form of any special defence and that the Prosecution has to disclose to him the names of witnesses it intends to call in rebuttal of any special defence or to notify him that it does not intend to file evidence thereof;<sup>3</sup>

**CONSIDERING** that, at this stage of the proceedings, the Pre-Trial Judge has to ensure that the Parties have fulfilled their respective obligations under Rule 67 (A) of the Rules;

**CONSIDERING** that at the Status Conference of 27 September 2007 the Pre-Trial Judge informed the Parties of the content of this Order;<sup>4</sup>

**CONSIDERING** furthermore that the Accused concurs with the approach taken by the Pre-Trial Judge;<sup>5</sup>

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rule 67 (A) of the Rules,

**HEREBY ORDER**

- i) the Accused to submit to the Prosecution no later than Monday 29 October 2007 a consolidated notification of any special defence which shall not exceed 3,000 words pursuant to the Practice Direction on the Length of Briefs and Motions (“Consolidated Notification”)<sup>6</sup> and to file

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<sup>2</sup> “Accused’s Submissions”, paras. 6-8.

<sup>3</sup> “Professor Vojislav Šešelj’s Reply to the Prosecution’s Submission Relating to Accused’s Submissions Under Rule 67 (A)(i)”, dated 12 June 2007, filed on 22 June 2007, pp. 3-4.

<sup>4</sup> Status Conference of 27 September 2007, Court Transcript pp. 1514-1515.

<sup>5</sup> Status Conference of 27 September 2007, T. pp. 1517.

<sup>6</sup> Practice Direction on the Length of Briefs and Motions, IT/184/Rev. 2, 16 September 2005, para. 5.

a copy thereof with the Pre-Trial Judge; and

- ii) within 30 days of receipt of the Consolidated Notification the Prosecution to disclose to the Accused in one of the two working languages of the Tribunal the witnesses it intends to call in rebuttal of any special defence of which it has received notice in accordance with paragraph (i) above.

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

/signed/  
Jean-Claude Antonetti  
Pre-Trial Judge

Done this first day of October 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**