

UNITED
NATIONS

IT-03-67-PT
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10 October 2007

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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-PT

Date: 8 October 2007

ENGLISH

Original: French

BEFORE THE PRE-TRIAL JUDGE

Before: Judge Jean-Claude Antonetti

Registrar: Mr Hans Holthuis

Order of: 8 October 2007

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER CLARIFYING DISCLOSURE OF DVDs FOLLOWING
SUBMISSION 323**

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”);

SEIZED OF Vojislav Šešelj’s notice 323 dated 28 September 2007 (“Accused”) and filed on 4 October 2007 (“Notice”);

NOTING the discussions held during the status conference of 27 September 2007 (“Status Conference”) during which the pre-trial Judge informed the Accused that the video recordings of hearings held in the instant case that he had been previously receiving on videocassette would henceforth be provided on DVD, considering the obsolescence of the Tribunal’s video equipment;¹

CONSIDERING that the Accused agreed to the switch to a digital system, only as regards video recordings of the proceedings;²

CONSIDERING furthermore that during one of the scheduled breaks at the status conference, the Accused agreed to receive from the Office of the Prosecutor (“Prosecution”) DVDs containing video recordings that the Prosecution intends to tender as evidence against the Accused, stating

I must congratulate myself on having shown extra goodwill during the break. I accepted some 15 disks and videotapes because they guaranteed that they were indeed just videotapes, and I took them in electronic form.³

CONSIDERING that in the Notice, the Accused appears to reconsider his position by henceforth refusing any document on “diskette” and again insisting on receiving videocassettes;

¹ Status conference, T(F) pp. 1555-1557.

² *Id.*, T(F) p. 1557: “So I can accept that, what you have suggested, provided I am not then swamped with documents and evidence and everything else on cassette.”

³ *Id.*, T(F) p. 1558.

CONSIDERING first that it is necessary to point out that during the Status Conference, the Prosecution did not give the Accused “diskettes” but rather DVDs, and that as such a computer is not needed to play them;

CONSIDERING that with regard to the DVDs provided by the Prosecution, in the absence of proof to the contrary, it is reasonable to believe that the said DVDs were taken away for a few hours at the detention unit of the Tribunal (“Detention Unit”) only in compliance with the existing security protocol at the Detention Unit;

FOR THE FOREGOING REASONS

PURSUANT TO Rule 54 of the Rules,

INFORM the Accused that the Registry will henceforth provide him with video recordings of the hearings in DVD format, according to procedures determined by the Registry;

INSTRUCT the Registry to make a DVD player available to the Accused in his cell, which will allow him ready, practical and effective access to the said video recordings; and

DIRECT the Accused to maintain the good cooperation he displayed during the status conference by accepting in DVD format the video recordings which the Prosecution intends to tender as evidence against the Accused in this case.

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

/signed/

Jean-Claude Antonetti

Pre-Trial Judge

Done this eighth day of October 2007

At The Hague

The Netherlands

[Seal of the Tribunal]