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Criminal Tribunal
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D23641 Bis

CASE/AFFAIRE NO IT-03-67-PT DATE 26/10/2007

FROM/DE RAM DORAISWAMY, COURT OFFICER

TO/A

<input checked="" type="checkbox"/> President/Président	<input checked="" type="checkbox"/> Prosecutor/Procureur	0 (Defense Counsel/Conseil de la Défense)	cc
0 Appeals Chamber/Chambre d'appel	<input checked="" type="checkbox"/> Case Manager/Commis aux affaires		
0 Trial Chamber I/Chambre de 1ère instance I	0 Chief of Investigations/Chef des enquêtes		
0 Trial Chamber II/Chambre de 1ère instance II			
<input checked="" type="checkbox"/> Trial Chamber III/ (3) Chambre de 1ère instance III			

0 Embassy/Ambassade

Other/Autre MR. SESELJ

E-copy (IT-03-67-PT)

Registrar/Deputy Registrar/Greffier/Greffier adjoint MR. A. DE WITT

0 VWS Coordinator/Coordinateur de la SVT

Senior Legal Officer/Juriste hors-classe MS. L. MURNANE/MS. N. GUIBERT (LO)

0 UNDU Commanding Officer/Commandant du QPNU

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Order/Warrant/decision issued by Appeals Chamber or Trial Chamber or a Judge on/Ordonnance/Mandat/Décision émis(e) par la Chambre d'appel ou les Chambres de 1ère instance ou un Juge le 25/10/2007

0 Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ___/___/___

0 Motion/Request/Application submitted by Prosecution/Defence Counsel on/Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense le ___/___/___

0 Response/reply/brief submitted by Prosecution/Defence Counsel on/Réponse/Réplique/Mémoire présenté(e) par l'Accusation/le Conseil de la défense le ___/___/___

0 Decision of the Registrar on/Décision du Greffier le ___/___/___

0 Other/Autre

RECEIVED/RECU FILED/ENREGISTRÉ

Office hours/heures ouvrables Date: 26/10/2007

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UNITED
NATIONS



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: 25 October 2007

Original: ENGLISH
French

THE PRE-TRIAL JUDGE

Before: Judge Jean-Claude Antonetti

Registrar: Mr Hans Holthuis

Order of: 25 October 2007

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**PROTOCOL ON THE VISIT OF THE PRE-TRIAL JUDGE TO THE
DETENTION UNIT**

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 (“the Tribunal”);

PROPRIO MOTU

NOTING Articles 20(1) and 21(4)(b) of the Statute of the Tribunal by which the Trial Chamber, here represented by the pre-trial Judge, is to ensure that the rights of the accused are fully respected, including the right “to have adequate facilities for the preparation of his defence”;¹

CONSIDERING that the pre-trial Judge has, on numerous occasions, expressed his intent to visit the Detention Unit personally to ensure that Vojislav Šešelj (“the Accused”) fully enjoys facilities enabling him to organise and prepare his defence on his own;²

CONSIDERING that the pre-trial Judge intends to visit the Detention Unit on Tuesday, 30 October 2007, at 10:00 hours and that the Accused agreed to this in principle during the Status Conference of 4 July 2007;³

CONSIDERING that it is the duty of the pre-trial Judge to set forth a protocol on the modalities of this visit that are to be respected throughout the visit:

- i) The sole purpose of this visit to the Detention Unit by the pre-trial Judge is to determine whether the Accused, who is representing himself, has requisite space in his own cell and in the adjacent cell to organise and prepare his defence;
- ii) During this visit, the pre-trial Judge will be accompanied by the legal officer of Trial Chamber III assisting him in the present case, by a court deputy and by an interpreter (“other participants”);
- iii) Before the visit of the pre-trial Judge takes place, the Accused will arrange the affairs in his cell and in the adjacent cell being used as a library so that no document can be seen that is being used for the preparation of his defence and, to this end, the Accused, if he so wishes, may request the assistance of the head of staff responsible for the administration of the Detention Unit;
- iv) The Accused will not speak to the pre-trial Judge or to the other participants;

¹ Article 21(4)(b) of the Statute.

² Status Conference of 4 April 2007, T(F) /Hearing transcript in French/ pp. 1012-1013; Status Conference of 2 May 2007, T(F) p. 1054; Status Conference of 5 June 2007, T(F) p. 1261.

³ Status Conference of 4 July 2007, T(F) p. 1353; see also Status Conference of 23 October 2007.

- v) Should the Accused, despite the preceding paragraph, decide to speak, his words will be recorded in entirety by the court deputy on an audio tape;
- vi) Neither the pre-trial Judge nor the other participants will speak in the presence of the Accused;
- vii) Should the pre-trial Judge or any other participant, despite the preceding paragraph, need to speak, their words will be recorded in entirety by the court deputy on an audio tape;
- viii) If necessary, the audio tape containing any possible speech recordings will be played during the pre-trial conference.

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

/signed/

Jean-Claude Antonetti
Pre-Trial Judge

Done this twenty-fifth day of October 2007
At The Hague
The Netherlands

[Seal of the Tribunal]