



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: 15 September 2008

Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Order of: 15 September 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER ON THE ACCUSED'S MOTION TO EXTEND THE
DEADLINE TO FILE HIS RESPONSE TO THE MOTION TO IMPOSE
COUNSEL (SUBMISSION 396)**

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 a motion by Vojislav Šešelj received on 26 August 2008 ("Accused")¹ requesting an extension of the deadline to file his response to the motion by the Office of the Prosecutor ("Prosecution") requesting an end to the Accused's right to self-representation, filed on 28 July 2008 ("Motion to Extend Deadline" and "Motion to Impose Counsel", respectively);²

NOTING the Accused's requests concerning (1) disclosure of the Motion to Impose Counsel in its entirety, (2) a two-month extension of the deadline to file his response (which would start as of the date on which the Prosecution discloses the documents) and (3) authorisation to exceed the limit on the length of responses so that the number of words in the Accused's response matches that of the Motion to Impose Counsel;³

NOTING the Order of 27 August 2008 regarding the Accused's oral motion to receive the confidential and *ex parte* version of the Motion to Impose Counsel ("Order of 27 August 2008"), in which the Chamber, first, partially granted the Accused's motion concerning the disclosure of the Motion to Impose Counsel and, second, ordered him to file his response within one month counting from the day he receives the documents mentioned in subparagraphs (i) to (iii) of the Order of 27 August 2008, in a language he understands;⁴

CONSIDERING consequently that in the Order of 27 August 2008, the Chamber ruled on the Accused's requests concerning the disclosure of the Motion to Impose Counsel in its entirety and the extension of the deadline to respond to this motion and that these are thus moot;

¹ Motion of Professor Vojislav Šešelj for Trial Chamber III to Extend the Deadline in Which He Can File a Response to the Prosecution's Motion to Terminate the Accused's Self-Representation" filed on 9 September 2008 ("Request to Extend Deadline").

² Prosecution's Motion to Terminate the Accused's Self-Representation" with annexes, confidential and *ex parte*, 29 July 2008 ("Motion to Impose Counsel"); confidential *inter partes* version filed on 30 July 2008 and annexes filed on 1 August 2008 (a confidential *inter partes* version was filed on 18 August 2008); public version filed on 8 August 2008.

³ Motion to Extend Deadline, p. 8.

⁴ Order of 27 August 2008, p. 2.

CONSIDERING that the Practice Direction on the Length of Briefs and Motions (“Practice Direction”) provides that motions, responses and replies submitted to a Chamber must not exceed 3,000 words;⁵

CONSIDERING that a party must request authorisation to exceed the set limits and explain the exceptional circumstances that justify the filing of such a submission;⁶

CONSIDERING that according to the Accused, in order to be able to file a detailed response to the allegations contained in the Request to Impose Counsel, he should be authorised to file the same number of pages as the Prosecution in the said motion;

CONSIDERING that on 17 July 2008,⁷ the Chamber authorised the Prosecution to exceed the number of words in the Motion to Impose Counsel and that it consequently filed a document of 35,000 words;⁸

CONSIDERING that, bearing in mind the allegations contained in the Motion to Impose Counsel, exceptional circumstances exist that justify the filing of a response exceeding the limit of 3,000 words set out in the Directive;

CONSIDERING consequently that the Accused’s response to the Motion to Impose Counsel should not exceed 35,000 words;

FOR THE FOREGOING REASONS

PURSUANT to Article 54 of the Rules of Procedure and Evidence;

PARTIALLY GRANTS the Accused’s Motion;

DECLARES the Accused’s requests moot regarding the disclosure of the Motion to Impose Counsel and an extension of the deadline to file the response; and

⁵ Practice Direction on the Length of Briefs and Motions (IT/184 Rev. 2), 16 September 2005, Article I (C) (5) (“Practice Direction”); *see also* Case No. IT-03-67-PT, Decision Amending the Criteria for the Filing of Submissions from the Accused, 17 May 2007, p. 3.

⁶ Practice Direction, Article I (C) (7).

⁷ Hearing of 17 July 2008, Transcript in French, 9623-9625.

⁸ Prosecution Motion for Authorization to Exceed the Word Limit Applicable to Motions, filed confidentially on 17 July 2008 (a public version was filed the same day).

AUTHORISES the Accused to file a response with a maximum length of 35,000 words

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this fifteenth day of September 2008
At The Hague
The Netherlands

[Seal of the Tribunal]