

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-05-__ - __

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

**STJEPAN SESELJ
DOMAGOJ MARGETIC**

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia ("the Tribunal"), pursuant to her authority under Article 18 of the Statute of the Tribunal and Rule 77 of the Rules of Procedure and Evidence of the Tribunal, charges:

**STJEPAN SESELJ
DOMAGOJ MARGETIC**

with **CONTEMPT OF THE TRIBUNAL**.

THE ACCUSED

1. Stjepan SESELJ. At all times relevant to this indictment, Stjepan SESELJ was the publisher of the Zagreb-based weekly publication *Hrvatsko Slovo*.
2. Domagoj MARGETIC. At all times relevant to this indictment, Domagoj MARGETIC was the editor of the Zagreb-based weekly publication *Hrvatsko Slovo* or editor-in-chief of *Novo Hrvatsko Slovo*.

CHARGES

**COUNT 1
CONTEMPT OF THE TRIBUNAL**

(Stjepan SESELJ and Domagoj MARGETIC)

3. On 16 March 1998, a protected witness testified before the Tribunal in the case IT-95-14-A, *The Prosecutor v. Tihomir BLASKIC* ("the *BLASKIC* case"). This testimony was conducted in closed session pursuant to oral orders of the Trial Chamber and a written decision of the Trial Chamber that the witness would testify in closed session and using a pseudonym.
4. On 26 November 2004, the Zagreb-based weekly newspaper *Hrvatsko Slovo*, published by HKZ-Hrvatsko Slovo d.o.o., printed excerpts of the testimony of the witness and revealed his identity. *Hrvatsko Slovo* indicated that the issue of 26 November 2004 was the first of ten issues which would feature such excerpts.

5. On 26 November 2004, the publisher of *Hrvatsko Slovo* was Stjepan SESELJ and the editor was Domagoj MARGETIC.
6. The 26 November 2004 issue of *Hrvatsko Slovo* acknowledges that published extracts were taken from transcripts of testimony delivered in non-public proceedings before the Tribunal. The published extracts include an oral order that the testimony be held in closed session.
7. On 2 December 2004, *Hrvatsko Slovo* again published excerpts of the closed-session testimony of the protected witness.
8. Stjepan SESELJ and Domagoj MARGETIC knowingly and wilfully interfered with the administration of justice in knowing violation of an order of a Chamber in three respects by disclosing:
 - a. the identity of the protected witness;
 - b. the extracts of closed-session testimony; and
 - c. the fact that the protected witness had testified in non-public proceedings before the Tribunal.
9. By their acts and omissions, Stjepan SESELJ and Domagoj MARGETIC committed

Count 1: Contempt of the Tribunal, punishable under the Tribunal's inherent power and Rule 77(A)(ii) of the Rules of Procedure and Evidence of the Tribunal.

COUNT 2 CONTEMPT OF THE TRIBUNAL

(Domagoj MARGETIC)

10. Paragraphs 1-7 inclusive are incorporated herein by reference.
11. On 1 December 2004, the Prosecutor filed before the Duty Judge an Urgent Motion for an Order for the Immediate Cessation of Violations of Protective Measures. In her Motion, the Prosecutor requested the Duty Judge to issue an Order against HKZ-Hrvatsko Slovo d.o.o., Stjepan SESELJ and Domagoj MARGETIC to cease publication and to desist from further publication of statements or testimonies of the witness concerned, or of any protected witness.
12. On 2 December 2004, the Duty Judge granted the Prosecutor's Motion and ordered HKZ-Hrvatsko Slovo d.o.o. and all its employees, Stjepan SESELJ and Domagoj MARGETIC to cease publication in *Hrvatsko Slovo* and in any other publications, and to desist from the further publication of statements or testimonies of the witness concerned, or of any protected witness ("Cease and Desist Order"). The Republic of Croatia was directed to serve the Cease and Desist Order on HKZ-Hrvatsko Slovo d.o.o., Stjepan SESELJ and Domagoj MARGETIC.

13. On 3 December 2004, upon receipt of the Cease and Desist Order, Stjepan SESELJ dispatched a letter to the Ministry of Justice, Department of Cooperation with International Criminal Courts, indicating that *Hrvatsko Slovo* would comply with the Cease and Desist Order.
14. On 4 December 2004, Domagoj MARGETIC, now representing himself as editor-in-chief of a publication called *Novo Hrvatsko Slovo*, dispatched a letter to the President of the Tribunal in which he asserted:
 - a. That he had received information on the Tribunal's order for him SMARGETICC to stop publishing the testimony of the protected witness;
 - b. That he did not recognize the Tribunal or its orders;
 - c. That he would not obey the order; and
 - d. That he would publish a special edition of *Novo Hrvatsko Slovo* on Wednesday, 8 December 2004 containing in its entirety the testimony given in closed session by the protected witness before the Tribunal.
15. On 10 December 2004, Domagoj MARGETIC in *Novo Hrvatsko Slovo* published further excerpts of closed-session testimony of the protected witness.
16. Domagoj MARGETIC knowingly and wilfully interfered with the administration of justice in knowing violation of an order of a Chamber in three respects by disclosing:
 - a. the identity of the protected witness;
 - b. the extracts of closed-session testimony; and
 - c. the fact that the protected witness had testified in non-public proceedings before the Tribunal.
17. By his acts and omissions, Domagoj MARGETIC committed

COUNT 2: Contempt of the Tribunal, punishable under the Tribunal's inherent power and Rule 77(A)(ii) of the Rules of Procedure and Evidence of the Tribunal.

Carla Del Ponte
Prosecutor

Dated this 25 January 2005
The Hague
The Netherlands