

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN, 1, P.O. BOX 13888
2501 EW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 512-5000
FAX: 31 70 512-8637TRIBUNAL PÉNAL INTERNATIONAL
POUR L'EX-YOUGOSLAVIECHURCHILLPLEIN, 1, B.P. 13888
2501 EW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 512-5000
TÉLÉCOPIE: 31 70 512-8637

Case No. IT-03-67-R77.2
Prosecutor v. Vojislav Šešelj

IT-03-67-R77.2
Δ31-Δ30
11 February 2009.

PUBLIC
DECISION**THE ACTING REGISTRAR,**

NOTING the Statute of the International Tribunal as adopted by the Security Council under Resolution 827 (1993), and in particular Article 21 thereof;

NOTING the Rules of Procedure and Evidence as adopted by the International Tribunal on 11 February 1994, as subsequently amended (“Rules”), and in particular Rules 74 and 77 thereof;

NOTING the Practice Direction on Procedure for the Investigation and Prosecution of Contempt before the International Tribunal, issued on 6 May 2004 (IT 227) (“Practice Direction”);

CONSIDERING that on 21 January 2009, Trial Chamber II issued the public version of the “Decision on Allegations of Contempt” (“Decision”), initiating contempt proceedings against Vojislav Šešelj for allegedly knowingly and wilfully disclosing information in knowing violation of an order of a Chamber;

CONSIDERING that in an annex to the Decision, the Trial Chamber issued an order in lieu of an indictment against Vojislav Šešelj on one count of contempt of the International Tribunal, punishable under Rule 77(A)(ii) of the Rules, for allegedly knowingly and wilfully disclosing information in knowing violation of an order of a Chamber, and directed the Registrar to appoint an *amicus curiae* prosecutor to prosecute the charge set out in the order in lieu of an indictment;

CONSIDERING that in accordance with Rule 77(E) of the Rules, Parts 4-8 of the Rules shall apply *mutatis mutandis* to contempt proceedings;

CONSIDERING that although neither Rule 74 of the Rules nor the Information Concerning the Submission of *Amicus Curiae* Briefs (IT 122) stipulate the qualifications that an *amicus curiae* should possess, it is, nonetheless, in the interests of justice to ensure that the *amicus curiae* is a qualified professional who is familiar with the legal and procedural requirements of prosecuting such a case before the International Tribunal, and has relevant investigative or prosecutorial experience;

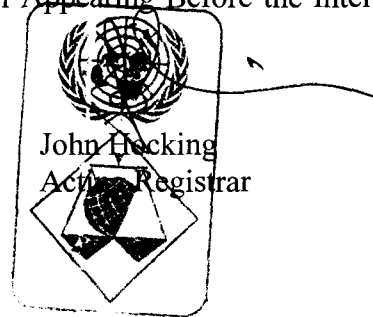
CONSIDERING further that it would be consistent with the function and responsibilities of an *amicus curiae* that he/she be bound by the Statute, the Rules, and any other relevant rules, regulations, and orders of the International Tribunal;

CONSIDERING that Mr. Bruce MacFarlane, Q.C. is a qualified attorney, appointed Queen's Counsel by the Government of Canada and possesses extensive experience in criminal law and procedure, including investigative and prosecutorial experience in contempt proceedings before the International Tribunal;

CONSIDERING that that Mr. MacFarlane has agreed to be appointed as *amicus curiae* prosecutor in this case, and has declared his availability to act in this capacity immediately;

HEREBY DECIDES to appoint Mr. Bruce MacFarlane, Q.C. as *amicus curiae* to prosecute the alleged knowing and wilful disclosure of information in knowing violation of an order of a Chamber by Vojislav Šešelj;

ORDERS that in the performance of these functions, Mr. Bruce MacFarlane, Q.C. shall be bound by the Statute, the Rules and any other applicable rules and regulations and orders, including the Code of Professional Conduct for Counsel Appearing Before the International Tribunal.



Dated this 11th day February 2009
At The Hague,
The Netherlands.