



(IT-03-67-R77.3)

VOJISLAV ŠEŠELJ**VOJISLAV ŠEŠELJ***Convicted of contempt of the Tribunal*

An accused before the ICTY
- Sentenced to 18 months' imprisonment

Crimes convicted of:

Contempt of the Tribunal (Rule 77(A)(ii) of the Rules of Procedure and Evidence of the Tribunal)

- Šešelj wrote a book disclosing information which identified 10 protected witnesses. He did so intentionally, with the knowledge that by doing so, he was violating the Trial Chamber's orders

Order (in lieu of indictment)	4 February 2010
Initial and further appearances	29 April 2010, failed to enter a plea; 6 May 2010, failed to enter a plea, a plea of not guilty was entered on his behalf
Trial Chamber judgement	31 October 2011, sentenced to 18 months' imprisonment
Appeals Chamber Judgement	28 November 2012, sentence affirmed

STATISTICS

Trial days	3
Witnesses called by Prosecution	0
Prosecution exhibits	73
Witnesses called by Defence	5
Defence exhibits	1 (confidential)

TRIAL	
Commenced	22 February 2011
Closing arguments	8 June 2011
Trial Chamber II	Judge O-Gon Kwon (presiding), Judge Howard Morrison and Judge Burton Hall
<i>Amicus Curiae</i> Prosecutor	Bruce MacFarlane
Counsel for the Defence	Self-representation
Trial Chamber judgement	31 October 2011

APPEAL	
Appeals Chamber	Judge Mehmet Güney (presiding), Judge Fausto Pocar, Judge Liu Daqun, Judge Arlette Ramaroson and Judge Andréia Vaz
<i>Amicus Curiae</i> Prosecutor	Bruce MacFarlane
Counsel for the Defence	Self-representation
Judgement	28 November 2012

INDICTMENT AND CHARGES

The order in lieu of indictment alleged that, after a number of orders and decisions granting protective measures to witnesses had been issued, a book, written by Šešelj, was published, and that the book contained numerous references to witnesses, including their real names, occupations and places of residence, and that it allowed for the identification of 11 witnesses. At the time of the book's publication, Šešelj had knowledge of the orders adopting protective measures in respect of the protected witnesses, as well as orders specifically prohibiting the disclosure of information which may identify those witnesses.

The order in lieu of an indictment against Šešelj was filed on 4 February 2010 charging him with:

- Contempt of the Tribunal (Rule 77(A)(ii) of the Rules of Procedure and Evidence)

TRIAL

On 22 February 2011, the Prosecution commenced and concluded its case. The Defence case lasted from 6 until 8 June 2011.

TRIAL CHAMBER JUDGEMENT

The Chamber found that the deliberate way in which the protective measures issued by the Šešelj Trial Chamber were violated constituted a serious interference with the administration of justice. The Chamber also considered that the electronic publication and dissemination of the book increased the scope of the disclosure and therefore rendered the violation of the Trial Chamber's orders even more serious.

Moreover, the Chamber took into account the accused's lack of remorse as well as his indication that he intended to continue disclosing information in the future: *"Once one proceeding is completed, I'm going to create conditions for the next one. As soon as we finish the next one, I'm going to prepare myself for the next one and the next one, up to 10. That's what I decided."*

The Chamber gave particular consideration to the potentially adverse impact the accused's conduct may have upon the work of the Tribunal, reiterating that public confidence in the effectiveness of orders and decisions on protective measures was absolutely vital to the success of that work. The Chamber was also mindful of the need to take steps to ensure that this type of behaviour from the accused or any other person would be discouraged in the future.

The Chamber, therefore, imposed a penalty which recognised the gravity of the breach and the need for deterrence, and sentenced the accused to a single term of eighteen months, to be served concurrently with the sentence of fifteen months imposed by the Chamber on 24 July 2009 in Case No. IT-03-67-R77.2.

On 31 October 2011, the Trial Chamber rendered its judgement, convicting Šešelj of:

- Contempt of the Tribunal (Rule 77(A)(ii) of the Rules of Procedure and Evidence of the Tribunal)

Sentence: 18 months' imprisonment

APPEALS CHAMBER JUDGEMENT

On 29 November 2011, the *Amicus Curiae* Prosecutor filed his appeal brief.

On 23 August 2012, the Chamber found that the accused, by failing to file a notice of appeal and an appeal brief in conformity with Rule 108 of the Rules of Procedure and Evidence of the Tribunal, the Practice Direction on Formal Requirements, and the Chamber's own 'Second Decision' on the issue, had waived his right to appeal.

On 28 November 2012, the Appeals Chamber affirmed the sentence of 18 months' imprisonment.