



(IT-03-67-R77.4)

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

An accused before the ICTY

- Sentenced to two years' imprisonment

Crimes convicted of:

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

- Šešelj failed to remove from his website various documents revealing confidential information about a number of protected witnesses.

Order (in lieu of indictment)	24 May 2011; amended: 28 October 2011; amended: 5 April 2012
Initial and further appearances	6 July 2011, pleaded not guilty; 4 November 2011, failed to enter a plea; 11 November 2011, failed to enter a plea, a plea of not guilty was entered on his behalf; 17 April 2012, pleaded not guilty
Trial Chamber judgement	28 June 2012, sentenced to two years' imprisonment
Appeals Chamber judgement	30 May 2013, sentence affirmed

STATISTICS

Trial days	2
Witnesses called by Chamber	0
Chamber exhibits	0
Witnesses called by Defence	0
Defence exhibits	0

TRIAL	
Commenced	12 June 2012
Closing arguments	18 June 2012
Trial Chamber II	Judge Stefan Trechsel (presiding), Judge O-Gon Kwon and Judge Melville Baird
Counsel for the Defence	Self-representation
Judgement	28 June 2012

APPEAL	
Appeals Chamber	Judge Mehmet Güney (presiding), Judge Arlette Ramarosan, Judge Andréia Vaz, Judge Khalida Rachid Khan and Judge Bakhtiyar Tuzmukhamedov
Counsel for the Defence	Self-representation
Judgement	30 May 2013

INDICTMENT AND CHARGES

The order in lieu of indictment stated that Šešelj was ordered to remove from his website various documents revealing confidential information about a number of protected witnesses. The documents to be removed included four books written by Šešelj and six filings made by him in case numbers IT-03-67-T and IT-03-67-R77.2-A. However, the books and the filings remained available on Šešelj's website.

The (amended) order in lieu of an indictment against Šešelj was filed on 5 April 2012 charging him with:

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

TRIAL

The trial took place on 12 and 18 June 2012.

TRIAL CHAMBER JUDGEMENT

The Chamber established that the accused did not comply with the orders to remove the material by the deadlines set in the orders and decisions, and was satisfied that the material elements of contempt pursuant to Rule 77(A) have been proved beyond reasonable doubt.

As it addressed the issue of sentencing, the Chamber considered the accused's repeated defiance of the Tribunal's authority to be an aggravating factor. The Chamber found that the repetitious nature of his conduct was demonstrated by his continuing refusal to obey the orders and decisions requiring him to remove from his website confidential material which he had disclosed on many occasions over the course of several years, and that this flagrant disregard for the orders and decisions amounted to a direct attack upon the judicial authority of the Tribunal. The Chamber also considered convictions in two previous contempt cases as aggravating factors. The Chamber further considered whether there existed any mitigating circumstances, such as an indication of remorse, but held that there were none. For these reasons, the Chamber imposed a penalty which recognised the gravity of the accused's crime in this case and the need for deterrence.

On 28 June 2012, the Trial Chamber rendered its judgement, convicting Šešelj of:

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

Sentence: two years' imprisonment

APPEALS CHAMBER JUDGEMENT

On 18 July 2012, the accused filed his notice of appeal. On 2 August 2012, he filed his appeal brief.

On 30 May 2013, the Appeals Chamber affirmed the sentence of two years' imprisonment.