



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: 29 January 2009
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Patrick Robinson, President
Acting Registrar: Mr. John Hocking
Order of: 29 January 2009

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

**ORDER ISSUING A PUBLIC REDACTED VERSION OF
29 OCTOBER 2008 ORDER ASSIGNING MOTIONS TO A TRIAL CHAMBER**

Office of the Prosecutor

Serge Brammertz
Daryl Mundis
Christine Dahl

The Accused

Vojislav Šešelj

I, PATRICK ROBINSON, President 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 (“International Tribunal”),

NOTING the “Order Assigning Motions to a Trial Chamber”, filed confidentially and *ex parte* on 29 October 2008 (“Order”) in which Judge Pocar in his capacity as President of the International Tribunal assigned Trial Chamber II to examine a “Prosecution’s Motion Under Rule 77 Concerning the Breach of Protective Measures”, filed confidentially and *ex parte* on 10 October 2008 (“Motion”), following a request for withdrawal from Judges Antonetti, Harhoff and Lattanzi of Trial Chamber III, before which the Motion had originally been filed;

NOTING the “Decision on Allegations of Contempt”, issued by Trial Chamber II on 21 January 2009, which initiated contempt proceedings against the Accused Vojislav Šeselj (“Decision”);

NOTING that the Decision indicated that the Motion, on the basis of which the contempt proceedings were initiated, was originally filed before Trial Chamber III, and that on 29 October 2008 the President ordered Trial Chamber II to deal with the Motion;

CONSIDERING that the accused has a right to know why another Chamber ruled on the Motion and not the Chamber seized of his trial;

CONSIDERING that the reasons for the confidentiality and the *ex parte* nature of the parts of the Order which relate to the Motion no longer exist;

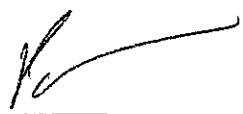
CONSIDERING that some of the information contained in the Order is to remain confidential;

CONSIDERING that I have sought the views of Judge Pocar and Judges Antonetti, Harhoff and Lattanzi and that none of them are opposed to the issuance of a public, redacted version of the Order;

HEREBY ISSUE a Public Redacted Version of the Order.

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

Done this 29th day of January 2009,
At The Hague,
The Netherlands.



Judge Patrick Robinson,
President

[Seal of the International Tribunal]

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
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Case No.: IT-03-67-T
Date: 29 October 2008
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President
Registrar: Mr. Hans Holthuis
Order of: 29 October 2008

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC REDACTED VERSION

ORDER ASSIGNING MOTIONS TO A TRIAL CHAMBER

Office of the Prosecutor
Mr. Serge Brammertz
Mr. Daryl Mundis
Ms. Christine Dahl

I, **FAUSTO POCAR**, President 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 (“International Tribunal”),

[REDACTED];

NOTING the “Prosecution’s Motion Under Rule 77 Concerning the Breach of Protective Measures” filed confidentially and *ex parte* before Trial Chamber III on 13 October 2008 (“Motion on Protective Measures”);

NOTING that pursuant to Rule 15(A) of the Rules of Procedure and Evidence of the International Tribunal, the Judges sitting in *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, Judges Jean-Claude Antonetti, Frederik Harhoff and Flavia Lattanzi have requested their withdrawal from [REDACTED] the Motion on Protective Measures and that I assign other Judges to examine the [REDACTED] the Motion on Protective Measures on the ground that their determination may give rise to an appearance that their impartiality to decide the merits of this case is impugned;

NOTING that Rule 19 of the Rules of Procedure and Evidence of the International Tribunal authorizes the President of the International Tribunal to coordinate the work of the Chambers;

CONSIDERING the trial management and case distribution needs of the International Tribunal;

ORDER, effective immediately, Trial Chamber II to examine [REDACTED] the Motion on Protective Measures.

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

Done this 29th day of October 2008,
at The Hague,
The Netherlands.

Judge Fausto Pocar
President

[Seal of the International Tribunal]