

Press Release

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CHAMBERS

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Trial Chamber Orders Resumption of Vojislav Šešelj's Trial

Trial Chamber III ordered yesterday that the trial of Vojislav Šešelj resume on Tuesday, 12 January 2010.

Vojislav Šešelj, the leader of the Serbian Radical Party, is on trial before the Tribunal for alleged crimes committed in Bosnia and Herzegovina and Croatia between 1991 and 1994. In a separate trial earlier this year Šešelj was sentenced to 15 months' imprisonment for revealing the names and protected details of witnesses in a book authored by him. An appeal from the Accused is still pending against this Judgement.



Vojislav Šešelj

On 11 February 2009 the Trial Chamber, by majority – Judge Antonetti dissenting, ordered the adjournment of proceedings on the request of the Prosecution amid allegations of intimidation of witnesses. With 11 witnesses remaining in the Prosecution's case, the Chamber by majority concluded it would not be in the interest of justice to hear their testimony until such time when they are able to testify freely and in a safe environment.

In yesterday's decision the Trial Chamber decided to reconsider its decision for adjournment because "new facts have emerged which need to be taken into account".

It also took into account the amount of time that had elapsed since the decision was made and the lack of visibility of a timely determination on the question of the allegations of interference with witnesses by the accused. The Chamber also considered the length of time the accused has spent in the detention unit thus far and the jurisprudence of the European Court of Human Rights with regards to this matter.

"In light of the new facts in the possession of the Chamber..., the length of time which has gone by since the Decision was rendered, the Chamber considers it appropriate to put an end to the adjournment of the hearing of the remaining witnesses and orders to resumption of hearings," the Decision reads.

The Trial Chamber ordered that the trial resume on Tuesday, 12 January 2010. With regards to the remaining witnesses of the Prosecution, the Chamber noted that six of them indicated that they no longer wished to testify on behalf of Prosecution but on behalf of the Accused. The Chamber therefore decided it would be in the interest of justice and the integrity of the proceedings for these witnesses to be examined by the Chamber.

The first of the remaining Prosecution witnesses will appear on 12 January. The Chamber has asked the Prosecution to consider withdrawing the three remaining witnesses.

For the same reasons the Chamber dismissed the Prosecution's request for additional hours to question the remaining witnesses. The Chamber also dismissed the Prosecution's request for Šešelj's right to self-representation to be revoked and for counsel to be imposed. The Chamber indeed found that although the behaviour of the Accused, for which he has been convicted by Judgement of 24 July 2009, was serious and grave, it is an isolated act that cannot be considered as substantially and persistently obstructing the proper and expeditious conduct of his trial. It found also that this measure would not be proportional to the violation committed and would not efficiently ensure the protection of the victims and witnesses. Moreover, it found that imposing counsel at this stage would further delay the trial.

The Chamber found more appropriate to take an alternative measure that would ensure an efficient protection of the security of the victims and witnesses. This is why, in the same Decision and in relation to Šešelj's publications, the Accused has been ordered to provide the Trial Chamber with copies of future publications in his name that would be related in whole or in part to his case. The Trial Chamber also indicated that the Registry would then need to check if this publication contains any confidential information relating to the protected witnesses in the present case. The Trial Chamber finally explained that this measure would be reconsidered if the Jugement of 24 July 2009 convicting the Accused to 15 months imprisonment for contempt was quashed by the Appeals Chamber.

The Chamber considered this measure together with the decision that seven of the remaining witnesses would be called to testify directly by the Chamber, to be an alternative to the adjournment of the hearing of the remaining witnesses that would enable them to testify freely in a safe environment.

The full text of the Trial Chamber's decision can be found, in French, at:
<http://www.icty.org/x/cases/seselj/tdec/fr/091124.pdf>

Courtroom proceedings can be followed on the Tribunal's website at www.icty.org

International Criminal Tribunal for the former Yugoslavia

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