



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: 13 June 2014
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Mandiaye Niang
Judge Flavia Lattanzi

Registrar: Mr John Hocking

Order of: 13 June 2014

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER INVITING THE PARTIES TO MAKE SUBMISSIONS ON
POSSIBLE PROVISIONAL RELEASE OF THE ACCUED *PROPRIO MOTU***

The Office of the Prosecutor

Mr Serge Brammertz
Mr Mathias Marcussen

The Accused

Mr Vojislav Šešelj

TRIAL CHAMBER III 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 (“Chamber” and “Tribunal”, respectively);

PROPRIO MOTU,

NOTING the Decision of 13 December 2013 whereby, following the disqualification of Judge Harhoff and the subsequent appointment of Judge Niang, the Chamber ordered the continuation of proceedings from the close of the hearings, as soon as Judge Niang has finished familiarising himself with the record,¹

NOTING Judge Niang’s separate opinion in which he gave himself an initial period of six months, starting from January 2014, to familiarise himself with the record, indicating that the time required would be reviewed according to the requirements of the task,²

NOTING the Appeals Chamber’s Decision of 6 June 2014, affirming the Decision of 13 December 2013,³

CONSIDERING that the continuation of the proceedings remains subject to Judge Niang completing his familiarisation with the record,

CONSIDERING that Judge Niang has indicated that he will need additional time,

CONSIDERING that, in view of this information, the current proceedings will be prolonged without it being possible, for the time being, to give an exact date when the judgement will be pronounced,

CONSIDERING that the Accused has been in provisional detention throughout the trial since his arrival at the United Nations Detention Unit on 24 February 2003,⁴

¹ “Decision on Continuation of Proceedings”, public, 13 December 2013, p. 23 (“Decision of 13 December 2013”).

² Judge Mandiaye Niang’s Separate Opinion appended to the Decision of 13 December 2013, para. 22.

³ *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67, “Decision on Appeal against Decision on Continuation of Proceedings”, 6 June 2014, para. 69.

⁴ Transcript of the hearing on 26 February 2003, p. 2.

CONSIDERING that the Accused has already served all the prison sentences handed down to him for contempt,⁵

CONSIDERING that, as it recalled in its Decision of 13 December 2013, the Chamber is constantly concerned to ensure the respect of the rights of the Accused, which implies that it makes sure to limit the provisional detention of the Accused strictly to the needs of the current proceedings, as set out in Rule 65 of the Rules of Procedure and Evidence (“Rules”),⁶

CONSIDERING that, in view of the foregoing and the concerns about the Accused’s health, the Chamber deems it appropriate to obtain the views of the Parties on possible provisional release of the Accused *proprio motu* should it consider that all the conditions of Rule 65 of the Rules have been met,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 65 of the Rules,

INVITES the Parties to make submissions on possible provisional release of the Accused;

Gives the Parties seven days to file their submissions, counting from the filing of this Order in the case of the Prosecution and from receipt of the translation into BCS of this Order in the case of the Accused.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this thirteenth day of June 2014
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ *Contempt Proceedings against Vojislav Šešelj*, Case No. IT-03-67-R77.4-A, “Public Redacted Version of ‘Judgement’ Issued on 30 May 2013”, paras 2 and 54.

⁶ Decision of 13 December 2013, paras 20 and 56.