



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-03-67-PT
Date: 10 December
2004
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 10 December 2004

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

ORDER ON SUBMISSION NO. 58

The Office of the Prosecutor:

Ms. Hildegard Uertz-Retzlaff
Mr. Ulrich Mussemeyer
Mr. Daniel Saxon

The Accused:

Mr. Vojislav Šešelj

Standby counsel:

Mr. Tjarda Eduard van der Spoel

I, Carmel Agius, Judge 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 (“Tribunal”);

HAVING BEEN DESIGNATED Pre-Trial Judge with regard to the present case on 7 October 2003;

NOTING that the Accused has submitted on 25 November 2004 Submission no. 58, consisting of a one page motion, accompanied by a 17 page addendum containing a “Report of the expert team assisting the defence of Vojislav Šešelj on the legal elements of unlawfulness and absence of jurisdiction of the International Criminal Tribunal for the Former Yugoslavia”;

CONSIDERING that in his one page motion, the Accused uses offensive language in relation to a representative of the Office of the Prosecutor in the present case;

CONSIDERING that the so-called “expert team” consists of persons for whom it has not been established that one or more of them meet the requirements set out in Rule 44 or Rule 45 of the Rules of Procedure and Evidence, and have therefore no standing in the present proceedings before this Tribunal;

CONSIDERING that the filing exceeds the page limits as set out in paragraph 5 of the Practice Direction on the Length of Briefs and Motions and that the filing does not seek authorization in advance from the Chamber to exceed the page limits;

HEREBY ORDERS the Registrar not to file this Submission no. 58;

and

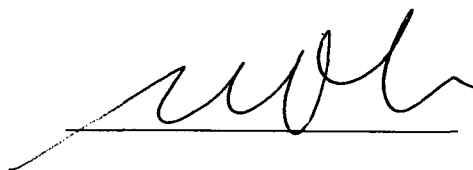
INVITES the Accused, if he wishes to pursue the matter raised in his one page submission, to refile that submission, to omit from it any offensive language and to observe the relevant provision of the Practice Direction on the Length of Briefs and Motions.

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

Dated this tenth day of December 2004,

At The Hague

The Netherlands

A handwritten signature in black ink, appearing to read 'C. Agius', written over a horizontal line.

Carmel Agius

Pre-Trial Judge

[Seal of the Tribunal]