



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: 24 February 2005  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge Jean-Claude Antonetti  
Judge Kevin Parker

**Registrar:** Mr. Hans Holthuis

**Decision of:** 24 February 2005

**PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

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**DECISION ON REQUEST FOR CERTIFICATION TO APPEAL**  
(Submission Number 70)

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**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

**TRIAL CHAMBER II** (“Trial Chamber”) 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”);

**BEING SEISED OF** the “Submission Number 70” (“Motion”), filed by Vojislav Šešelj (“Accused”) on 5 January 2005, wherein he requests certification to appeal, pursuant to Rule 73 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), the “Decision on the Prosecution’s Motion for Reconsideration of the Trial Chamber’s Order to Provide the Accused with the Supporting Material” and “Decision on the Prosecution’s Motion for Protective Measures for Witnesses During the Pre-Trial Phase”, issued on 16 December 2004 (“Impugned Decisions”);

**NOTING** as a preliminary issue, that the Accused submits that the Impugned Decisions were only delivered to him eight days after they were issued and that it therefore impacted on the time limit afforded to him for filing requests for certification of appeal. The Trial Chamber notes however, that the delay in delivery is of no prejudice to him since the Trial Chamber, in this particular case, will consider his Motion with disregard of applicable timeframes. However, the Trial Chamber denies the general request by the Accused to have the deadlines for submission calculated for the day of delivery to him;

**NOTING** that the Accused submits that the Impugned Decisions “involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial” arguing that it “greatly threatens [his] procedural right because it does not make the deadline for submitting a reply dependent on the date of a possible delivery of requested documents from the cases tried until now before the Hague Tribunal”. The Accused further requests certain material in order to be in position to file an interlocutory appeal;


**CONSIDERING** that Rule 73(B) additionally requires that, in order to grant certification, the Trial Chamber must also be of the opinion that an immediate resolution by the Appeals Chamber of the issue involved “may materially advance the proceedings”;

**FINDING** that the issues raised by the Accused does not significantly affect the fair and expeditious conduct of the proceedings and an immediate resolution by the Appeals Chamber will not materially advance the proceedings and since he will not be filing an interlocutory appeal his request for the material is moot;

**FOR THE FOREGOING REASONS****PURSUANT TO** Rule 73 of the Rules, **HEREBY DENIES** the Motion.

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

Dated this twenty-fourth day of February 2005  
At The Hague  
The Netherlands

  
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Judge Carmel Agius  
Presiding**[Seal of the Tribunal]**