



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-95-14-R77.3

Date: 26 April 2005

Original: English

**BEFORE A JUDGE OF THE TRIBUNAL**

**Duty Judge:** Judge Alphons Orie  
**Registrar:** Mr. Hans Holthuis  
**Decision of:** 26 April 2005

**PROSECUTOR**

v.

**STJEPAN ŠEŠELJ  
DOMAGOJ MARGETIĆ**

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**DECISION ON REVIEW OF INDICTMENT**

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**Office of the Prosecutor:**

David Akerson  
Jason Dominguez

I, Judge Alphons Orić, 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”);

**BEING SEIZED** of:

- the “Prosecution’s Motion for Confirmation of the Indictment, for the Issuance of an Arrest Warrant, and for an order of Non-Disclosure” filed confidentially and *ex parte* on 1 February 2005;
- the Indictment against Stjepan Šešelj and Domagoj Margetić, as well as supporting material thereof, filed confidentially and *ex parte* on 1 February 2005 and 12 April 2005;
- the “Prosecution’s Submission in Support of Its Motion for Confirmation of the Indictment, for the Issuance of an Arrest Warrant, and for an Order of Non-Disclosure”, filed confidentially and *ex parte* on 11 February 2005;
- the “Prosecution’s Motion for Issuance of Summons in Lieu of Arrest Warrant” filed confidentially and *ex parte* on 14 February 2005;

**NOTING** that I was designated reviewing judge by the President pursuant to Rule 47 of the Rules Procedure and Evidence (“Rules”) on 29 March 2005;

**CONSIDERING** that Article 19 of the Statute of the International Tribunal (“Statute”) requires a Judge to whom an indictment has been transmitted to review it, and “if satisfied that a *prima facie* case has been established by the Prosecutor”, to confirm the indictment;

**CONSIDERING** that Rule 47 of the Rules requires a Judge to examine each of the counts in the indictment and any supporting material the Prosecutor may provide to determine through application of the standard in Article 19 of the Statute whether a case exists against the suspect;

**NOTING** that, in the Indictment, **STJEPAN ŠEŠELJ** is charged, in his capacity of publisher of the Zagreb-based weekly newspaper Hrvatsko Slovo, with one count of contempt of the Tribunal punishable under the Tribunal’s inherent powers and Rule 77(A)(ii) of the Rules;

**CONSIDERING** that, on the basis of the material submitted by the Prosecutor, a *prima facie* case against **STJEPAN ŠEŠELJ**, in respect of the counts with which he is charged in the Indictment, has been established;

**NOTING** that, in the Indictment, **DOMAGOJ MARGETIĆ** is charged, in his capacity of editor of the Zagreb-based weekly newspaper Hrvatsko Slovo and of editor-in-chief of Novo Hrvatsko Slovo, with two counts of contempt of the Tribunal punishable under the Tribunal’s inherent powers and Rule 77(A)(ii) of the Rules;

**CONSIDERING** that, on the basis of the material submitted by the Prosecutor, a *prima facie* case against **DOMAGOJ MARGETIĆ** in respect of the counts with which he is charged in the Indictment, has been established;

**CONSIDERING** that, in light of the allegations of contempt contained in the Indictment, the Prosecution also requests that there be no public disclosure of the supporting material until further order of the Tribunal;

**CONSIDERING** that it would be more appropriate for the Chamber which will be appointed to hear this case to issue the requested summonses to **STJEPAN ŠEŠELJ** and **DOMAGOJ MARGETIĆ**;

**PURSUANT TO** Articles 19 and 21(4)(a) of the Statute and Rules 77(E), 47, 53(C), 53*bis* and 54 of the Rules,

**HEREBY CONFIRM** the Indictment in its entirety

**ORDER** the lifting of the confidentiality of the Indictment

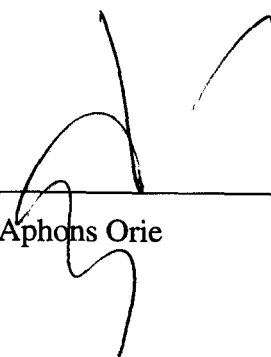
**ORDER** the Prosecutor to inform the Registrar in writing within seven days about the known whereabouts of **STJEPAN ŠEŠELJ** and **DOMAGOJ MARGETIĆ**

**REQUEST** the Registrar to take all necessary steps to serve the Indictment and this decision on **STJEPAN ŠEŠELJ** and **DOMAGOJ MARGETIĆ**

**ORDER** that the supporting material remain under seal until further order of the Tribunal.

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

Dated this 26th day of April 2005  
At The Hague  
The Netherlands



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Judge Aphonis Orie

[Seal of the Tribunal]