



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: 13 May 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:** 13 May 2005

**PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

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**DECISION ON REQUEST FOR CERTIFICATION TO APPEAL**  
(Submission Number 85)

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**Counsel for 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** “Submission number 85” (“Motion”), filed by Vojislav Šešelj (“Accused”) on 6 April 2005, wherein he requests the Trial Chamber to “request to be provided with a written confirmation that the decision of 1 March in which my request for normalisation of conditions for the preparation of defence was denied, concerns issues which would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial which would enable me to file a timely interlocutory appeal”;

**NOTING** the “Prosecution’s Response to the Accused’s ‘Submission Number 85,’” filed on 16 March 2005;

**NOTING** that the Accused in “Submission number 93” which was filed on 6 April 2005, a submission which the Trial Chamber notes referred to other issues, stated that “[w]ith regard to the Prosecution’s request to my submission no. 85, I would like to draw your attention to the fact that the Prosecution has no authority to respond to my submissions to the Trial Chamber, in which I requested confirmation to be issued pursuant to Rule 73(B) of the Rules of Procedure and Evidence”;

**FINDING** that the claim by the Accused that the Prosecution has no right to respond is totally ill-founded and that a fundamental principle is that both parties have the right to respond<sup>1</sup>;

**CONSIDERING** that the Accused in the Motion does not put forward arguments supporting the request for certification;

**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;

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<sup>1</sup> See e.g. 126bis of the Rules.

**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 thirteenth day of May 2005  
At The Hague  
The Netherlands



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Judge Carmel Agius  
Presiding

**[Seal of the Tribunal]**