



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: 9 November 2005  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar:** Mr. Hans Holthuis

**Order of:** 9 November 2005

**PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

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**DECISION ON SUBMISSIONS NUMBER 110 AND 111**

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**The Office of the Prosecutor:**

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

**The Accused:**

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 SEIZED** of “Submission Number 110” filed on 27 September 2005 (“First Motion”) and “Submission Number 111, filed on 10 October 2005 (“Second Motion”) by Vojislav Šešelj (“Accused”);

**NOTING** the “Decision on Preliminary Motion Pursuant to Rule 72 (Submissions Nos. 101 and 102)” issued by Judge Agius on 23 September 2005 (“Impugned Decision”)

**NOTING** the “Prosecution’s Response to ‘Submission Number 111’”, filed on 20 October 2005, whereby the Prosecution objects to the Accused’s request for certification to appeal;

**NOTING** that in the First Motion the Accused submits that, *inter alia*, there is no “procedural right to submit a response” by the Prosecution against the format of his Submission No 102, the Practice Direction, issued by the President is not a “generally binding legal document”, and that the Practice Direction stipulates that “pre-trial submissions ‘should not’ be longer than 50 pages;

**NOTING** that in the Second Motion the Accused raises two issues: i) he requests certification to appeal from the Impugned Decision; and ii) he requests an extension of time to file his objections to the Modified Indictment of 12 July 2005 until such date that he has received a translation into Serbian of certain judgements from the International Criminal Tribunal for Rwanda (“ICTR”);

**CONSIDERING** that according to Rule 73(A) of the Rules either party has a right to file such motions it deems appropriate, and the Prosecution, therefore, was allowed to file its objection to the length of Submission Number 102;

**CONSIDERING** that Practice Directions are binding legal documents of the Tribunal, issued by the President pursuant to Rule 19 of the Rules;

**CONSIDERING** that the relevant filing by the Accused is not a “Pre-trial brief” but rather an “other motion, reply or response” and that according to the relevant Practice Direction, such motions, responses or replies shall not exceed 10 pages or 3000 words;

**CONSIDERING** that the Tribunal has no obligation to provide translations to any Accused of jurisprudence;

**CONSIDERING FURTHER** that the Accused has chosen to defend himself and that entails organising for himself the translation of judgements from the ICTR, if he wishes to consult them in the language of his preference;

**NOTING FURTHER** that the judgements of the ICTR are publicly available;

**CONSIDERING** that Rule 127 of the Rules of Procedure and Evidence (“Rules”) provides that “a Trial Chamber may, on good cause being shown by motion, enlarge or reduce any time prescribed by or under these Rules”;

**FINDING** that the argument advanced concerning translations of the ICTR judgements is not “good cause” within the meaning of Rule 127 of the Rules;

**NOTING** that Rule 73(B) of the Rules provides that “decisions on all motions are without interlocutory appeal save with certification by the Trial Chamber, which may grant such certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings”;

**NOTING** that the Accused raises the following arguments relating to his request for certification to appeal: i) that Judge Agius issued the Impugned Decision without authority to assume the functioning of the Trial Chamber; and again, (ii) that a Practice Direction is not a general binding legal document;

**CONSIDERING** that Judge Agius as pre-trial Judge has authority, pursuant to Rule 65 *ter* of the Rules, to issue orders refusing a filing due to the length of the filing, and that he did not act on behalf of the Trial Chamber on the merits of a preliminary motion;

**CONSIDERING** that none of the arguments raised by the Accused involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial;

**FOR THE FOREGOING REASONS**

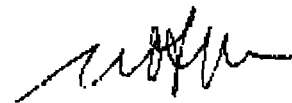
**DENIES** the First Motion and Second Motion;

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

Dated this ninth day of November 2005,

At The Hague

The Netherlands



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**Judge Carmel Agius**  
**Presiding**

**[Seal of the Tribunal]**