

17-03-67-PT  
D 12791 - D 12788  
19 JUNE 2006

12791

UNITED  
NATIONS



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: 19 June 2006  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Patrick Robinson  
Judge Bakone Justice Moloto

**Registrar:** Mr Hans Holthuis

**Decision of:** 19 June 2006

**PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

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**DECISION ON FILING OF MOTIONS**

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**The Office of the Prosecutor**

Ms Hildegard Uertz-Retzlaff  
Mr Dan Saxon  
Mr Ulrich Mussemeyer

**The Accused**

Vojislav Šešelj

**Standby Counsel**

Mr Tjarda Eduard van der Spoel

**TRIAL CHAMBER I** (“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”);

**NOTING** Submission no. 161 by Vojislav Šešelj (“Accused”), submitted on 29 May 2006, as well as eight other submissions addressed to the Trial Chamber received by the Registry on 9 June 2006 and as yet not translated;

**NOTING** the Practice Direction on the Length of Briefs and Motions (“Practice Direction”) issued by the President of the Tribunal on 16 September 2005, which states, inter alia:

**5. Other motions, replies, and responses**

Motions, responses and replies before a Chamber will not exceed 3,000 words.

[...]

**7. Variation from word limits**

A party must seek authorization in advance from the Chamber to exceed the word limits in this Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing. [...]

**8. Reporting the word count**

Parties shall conduct a word count of any document they file which is subject to the length limitations set forth in this Practice Direction and shall include this information in the form “Word count: \_\_\_\_” at the end of the document, before the signature line.

**NOTING** Article 20 of the Statute of the Tribunal (“Statute”), which mandates that “The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused ...”;

**NOTING** that the Practice Direction was issued pursuant to Rule 19 of the Rules of Procedure and Evidence (“Rules”), which states that “The President may ... issue Practice Directions, consistent with the Statute and the Rules, addressing detailed aspects of the conduct of proceedings before the Tribunal”;

**CONSIDERING** Rule 54 of the Rules, stating that “At the request of either party or *proprio motu*, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purpose of an investigation or for the preparation or conduct of the trial”;

**RECALLING** that at the Status Conference of 19 May 2006 the Pre-Trial Judge reiterated that the Practice Direction limits the length of submissions to 3,000 words, that all submissions must

specify the word count, and that the Chamber may decide to set additional limitations if the prolixity and repetitiveness of the Accused's submissions is not halted;<sup>1</sup>

**NOTING** that on 25 May 2006 the Registry provided the Accused with a copy of the Practice Direction in his own language;

**NOTING** that Submission no. 161 does not specify the word count, and that the number of words in Submission no. 161 far exceeds the limit set in the Practice Direction and that the submission does not contain a request for relief from this limit;

**NOTING** that none of the submissions received on 9 June 2006 specify the word count, as required by the Practice Direction;

**CONSIDERING** that the Accused has filed 161 motions, not counting those received on 9 June 2006;

**CONSIDERING** that by reason of the prolixity of the Accused's submissions, their patent lack of merit in general, the repetitiveness of their arguments, and the triviality of most of the issues raised, the Accused has abused the process of the Court;

**CONSIDERING** that this abuse of process warrants limitations with respect to the submissions to be received henceforth from the Accused;

**CONSIDERING** that if good cause is shown, the Chamber will grant additional opportunity to develop the arguments of the Accused, in writing or in Court, or else will decide the matter;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO ARTICLE 20 OF THE STATUTE AND RULE 54 OF THE RULES,**

**REQUESTS** the Registry to return Submission no. 161 and the submissions received on 9 June 2006 to the Accused, with an attached memorandum explaining that they do not comply with the Practice Direction;

**ORDERS** that the Accused, from this day forward, is limited to filing submissions not exceeding eight hundred (800) words including, if he so wishes, a request for authorization to exceed this limit by showing good cause, but in no case shall this limit be exceeded without prior authorization of the Trial Chamber;

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<sup>1</sup> T. 491-2.

**REMINDS** the parties that any submission in this case must contain a word count at the end of the submission, before the signature line;

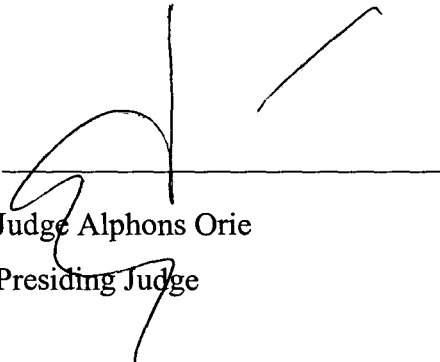
**REQUESTS** the Registry, from this day forward, and before filing a submission:

- 1) to verify that the submission specifies the word count at the end of the document;
- 2) to return to the Accused any submission exceeding eight hundred (800) words, unless the Trial Chamber has granted the Accused relief from that limit in relation to a given submission, and to return to any party any submission that does not contain a word count at the end of the submission, before the signature line;

**NOTES** that it will further address the matter of filings when considering the issue of self-representation of the Accused.

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

Dated this 19th day of June 2006,  
At The Hague  
The Netherlands



Judge Alphons Orie  
Presiding Judge

**[Seal of the Tribunal]**