



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

Case No.: IT-03-67-PT
Date: 26 June 2006
Original: English

BEFORE THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President

Registrar: Mr. Hans Holthuis

Decision of: 26 June 2006

THE PROSECUTOR

v.

Vojislav ŠEŠELJ

**DECISION ON ŠEŠELJ'S APPEAL AGAINST THE REGISTRY DECISION OF 9 MAY
2006**

Counsel for the Prosecutor:

Ms. Hildegaard Uertz-Retzlaff
Mr. Daniel Saxon
Mr. Ulrich Müssemeier

The Accused:

Mr. Vojislav Šešelj

Standby Counsel:

Mr. Tjarda Eduard van der Spoel

1. On 19 June 2006, Vojislav Šešelj (“Šešelj”) filed an Appeal before me¹ pursuant to Rule 64bis(C) of the Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal (“Rules of Detention”)² against a decision of the Registrar refusing his request to be visited at the United Nations Detention Unit (“UNDU”) by Mr. Tomislav Nikolić (“Nikolić”) on 12 May 2006.


2. This is the second appeal that Šešelj has filed before me in relation to this issue. On 11 April 2006, I issued a Decision finding that the Registrar’s decision to prohibit visits by Nikolić, pursuant to his power to do so under Rule 61(B) of the Rules of Detention, was reasonable.³ That Decision dealt with refusals of the Registrar communicated to Šešelj on 20 August 2004 and 30 January 2006. This Appeal deals with a further refusal of the Registrar following yet another request by Šešelj that Nikolić be permitted to visit him communicated to Šešelj on 9 May 2006. That is less than one month following my Decision upholding the refusal of the Registrar.

3. Although little time has lapsed since the issuing of my Decision upholding the Registrar’s earlier refusals, Šešelj has a right to lodge an appeal before me, pursuant to Rule 64bis (C) of the Rules of Detention against all decisions of the Registrar refusing to allow a person to visit a detainee pursuant to Rule 61(B) of the Rules of Detention. However, while he has such a right to appeal against this fresh refusal on the part of the Registrar, he cannot expect that a different conclusion will be issued by me when the reasons for the Registrar’s refusal of his earlier requests that Nikolić be permitted to visit him remain the same.

4. For the reasons I gave in my Decision of 11 April 2006, the Appeal of Šešelj is dismissed.

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

Done this 26th day of June 2006,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the International Tribunal]

¹ Appeal by Dr Vojislav Šešelj Against the Registry Decision of 9 May 2006 (“Appeal”).

² IT/38/Rev.9, as amended on 21 July 2005.

³ Decision of Appeal Against Decisions of the Registry of 20 August 2004 and 30 January 2006 (“Decision”).