

IT-03-67-PT
D13214-D13212
12 July 2006

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UNITED
NATIONS



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: 12 July 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: 12 July 2006

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

**DECISION ON REQUEST FOR MATERIAL CITED
IN PROSECUTION PRE-TRIAL BRIEF**

Office of the Prosecutor

Ms Hildegard Uertz-Retzlaff
Mr Dan Saxon
Mr Ulrich Müssemer

The Accused

Mr 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 the Accused’s request to receive in his language all Pre-Trial Briefs submitted by Defence Counsel in all cases before the Tribunal;¹

NOTING the Accused’s request to receive in his language all documents cited in the Prosecution Pre-Trial Brief and identified by the Accused in a list of 40 items;²

CONSIDERING that the 40 items identified by the Accused are: (a) judgments or decisions of the Tribunal; (b) briefs and exhibits from other cases before the Tribunal; (c) judgments or decisions from jurisdictions other than the Tribunal; (d) books and legal literature; (e) documents contemporaneous to the Indictment period and apparently related to the Indictment;

CONSIDERING that the Trial Chamber has already found that “[p]ublic testimonies, exhibits, and filings in other proceedings before this Tribunal are available to the Accused, where this is reasonably justified, upon application to the Registry ... There is no obligation to translate such material into Serbo-Croatian ... the only items routinely translated into Serbo-Croatian are Chamber decisions, not parties’ submissions, with the exception of parties’ submissions in the present case, an exception made in order to assist the self-represented Accused;”³

CONSIDERING that all judgments, decisions, and other material of the Tribunal which the Accused requests by his Motion (nos. 34, 37, 38, 39, and 40) are public documents;

NOTING that the Prosecution declared that it intended to disclose written translations of 28 documents cited by the Accused, that is all documents contemporaneous to the Indictment period and apparently related to the Indictment cited by the Accused, as well as the expert reports;⁴

CONSIDERING that it is not the duty of the Registry or the Tribunal to provide the Accused with case-law of other jurisdictions, books, and other literature (nos. 5, 7, 10, 32, 33, 35, and

¹ Submission no. 67, dated 15 December 2004, filed on 5 January 2005.

² Ibid. This request relates to the original Pre-Trial Brief. An Addendum to the Pre-Trial Brief covering “Greater-Sarajevo”, Bijeljina, Brčko, Mostar, and Nevesinje was filed on 17 February 2006. The present decision does not take into account this new document.

³ Decision on Form of Disclosure, 4 July 2006, para. 20.

⁴ Prosecution’s Response to the Accused’s Submission no. 67, 14 January 2005.

36) and that, since the Accused has chosen to defend himself, it is for him to acquire the identified material;

CONSIDERING FURTHER that there is no right to have case-law of other jurisdictions, books, and other literature translated by the Tribunal;

NOTING that the Registry informed the Trial Chamber that Annex A of the Prosecution's Pre-Trial Brief, which includes a letter to the Accused in both Serbo-Croatian and English, was transmitted to the Accused as part of the English version of the Prosecution's Pre-Trial Brief on 14 December 2004, but that the Accused refused to accept it;⁵ at the same time, a Serbo-Croatian translation of the Prosecution's Pre-Trial Brief was accepted by the Accused;⁶ the Serbo-Croatian version included Annex B but not Annex A;

CONSIDERING

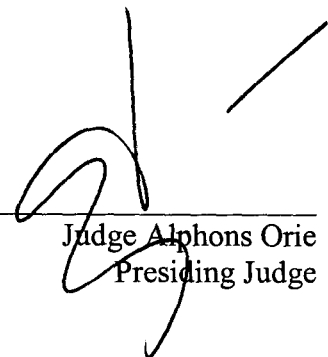
FOR THE FOREGOING REASONS,

DENIES the Motion;

REQUESTS the Registry to once more serve Annex A of the Prosecution's Pre-Trial Brief on the Accused; and

INSTRUCTS the Accused to liaise in the future directly with the Registry concerning his access to publicly available material.

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



Judge Alphons Orié
Presiding Judge

Dated this 12th day of July 2006
The Hague
The Netherlands

[Seal of the Tribunal]

⁵ Procès-verbal, dated 14 December 2004, filed in the present case on 20 December 2004.

⁶ Ibid.