

IT-03-67-T
D 16236-D16235
10 JANUARY 2007

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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-T
Date: 9 January 2007
Original: English

BEFORE THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Fausto Pocar, President

Registrar: Mr. Hans Holthuis

Decision of: 9 January 2007

THE PROSECUTOR

v.

Vojislav ŠEŠELJ

**DECISION ON APPEAL AGAINST THE REGISTRAR'S DECISION TO ASSIGN
STANDBY COUNSEL**

The Accused:

Mr. Vojislav Šešelj, *pro se*

Former Assigned Counsel:

Mr. David Hooper
Mr. Andreas O'Shea

Counsel for the Prosecutor:

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

HL

1. Vojislav Šešelj (“Šešelj”) has filed an Appeal before me against the Decision of the Deputy Registrar of 30 October 2006 to assign to him Mr. David Hooper as standby counsel and Mr. Andreas O’Shea as co-standby counsel.¹ The Impugned Decision was taken by the Deputy Registrar in response to an order of the Trial Chamber² to do so following a decision of the Appeals Chamber³ overturning a decision of the Trial Chamber⁴ assigning counsel to Šešelj.

2. Upon my request, the Registry filed a Response to this Appeal.⁵ However, during the intervening period, further developments occurred at the trial level. The Trial Chamber, following warnings to Šešelj in conformity with the procedural requirements indicated by the Appeals Chamber in its decision overturning the Trial Chamber’s original decision assigning counsel, ordered the appointment of Mr. David Hooper as Assigned Counsel and Mr. Andreas O’Shea as Co-Counsel.⁶ Šešelj filed an appeal before the Appeals Chamber against the second decision of the Trial Chamber assigning him counsel, and the Appeals Chamber granted his appeal.⁷

3. In the Appeals Decision, the Appeals Chamber directed the Trial Chamber not to impose standby counsel on Šešelj without first establishing additional obstructionist behaviour on his part, such as to render the assignment of standby counsel necessary to ensure a fair and expeditious trial.⁸ The Appeals Decision also set aside all proceedings in his case that followed the order of the Trial Chamber directing the Registrar to appoint standby counsel.⁹ In light of these developments, Šešelj’s Appeal before me is moot.

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

Done this 9th day of January 2007,
At The Hague,
The Netherlands.



Judge Fausto Pocar
President

[Seal of the Tribunal]

¹ Appeal by Professor Vojislav Šešelj Against the Decision of the Deputy Registrar of 30 October 2006 To Assign David Hooper as Standby Defence Counsel, 7 November 2006 (“Appeal”); Deputy Registrar’s Decision, 30 October 2006 (“Impugned Decision”).

² Order Concerning the Appointment of Standby Counsel and Delayed Commencement of Trial, 25 October 2006.

³ Decision on Appeal Against the Trial Chamber’s Decision on Assignment of Counsel, 20 October 2006.

⁴ Decision on Assignment of Counsel, 21 August 2006.

⁵ Registry Submission Regarding Appeal Against Registrar’s Decision to Assign Standby Counsel to Vojislav Šešelj, dated 24 November 2006, filed 27 November 2006.

⁶ By an oral decision at the Pre-Trial Conference on 27 November 2006 (Status Conference transcript, pp. 823-825); see also Reasons for Decision (No.2) on Assignment of Counsel, 27 November 2006.

⁷ Decision on Appeal Against the Trial Chamber’s Decision (No.2) on Assignment of Counsel, 8 December 2006 (“Appeals Decision”).

⁸ *Ibid.*, para. 28.

⁹ *Ibid.*, para. 30.