



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: 1 October 2007

Original: ENGLISH
French

BEFORE THE PRE-TRIAL JUDGE

Before: Judge Jean-Claude Antonetti

Registrar: Mr Hans Holthuis

Decision of: 1 October 2007

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER PURSUANT TO RULE 65 *TER* (H) OF THE RULES OF
PROCEDURE AND EVIDENCE**

The Office of the Prosecutor:

Ms Christine Dahl

The Accused:

Mr Vojislav Šešelj

I, Jean-Claude Antonetti, Judge 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”);

PROPRIO MOTU

NOTING Rule 65 *ter* (B) of the Rules of Procedure and Evidence of the Tribunal (“Rules”):

The pre-trial Judge shall, under the authority and supervision of the Trial Chamber seised of the case, coordinate communication between the parties during the pre-trial phase. The pre-trial Judge shall ensure that the proceedings are not unduly delayed and shall take any measure necessary to prepare the case for a fair and expeditious trial.

NOTING Rule 65 *ter* (H) pursuant to which “[t]he pre-trial Judge shall record the points of agreement and disagreement on matters of law and fact. In this connection, he or she may order the parties to file written submissions with either the pre-trial Judge or the Trial Chamber”;

CONSIDERING that at the status conference of 27 September 2007 the Pre-Trial Judge recommended that the parties meet to reach an agreement on matters of fact and law;¹

CONSIDERING that Vojislav Šešelj (“Accused”) approved the recommendation to hold such a meeting for two or three days under the condition that his collaborators and one or more investigator be present and that the meeting be video-taped;²

CONSIDERING that the Office of the Prosecutor (“Prosecution”) agreed in principle to hold a working meeting with the Accused in order to identify the points of

¹ Status Conference of 27 September 2007, Transcript pp. 1492-1496, 1499.

² *Ibid.*, T. pp. 1496-1498, 1503-1504.

agreement under the condition that such a meeting be organised under adequate conditions;³

CONSIDERING that it is therefore in the interests of an efficient pre-trial for the Parties to meet to identify the matters of fact and law on which they could agree;

FOR THE FOREGOING REASONS

PURSUANT TO Rules 65 *ter* (B) and 65 *ter* (H) of the Rules,

REQUEST the Accused and the Prosecution team assigned to this case

- i) to meet, following the modalities acceptable to both and as soon as possible prior to the scheduled commencement of the trial, and identify the points of agreement and disagreement on matters of fact and law; and
- ii) as soon as possible after meeting, to inform the Pre-Trial Judge of the points of agreement on matters of fact and law.

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

/signed/
Jean-Claude Antonetti
Pre-Trial Judge

Done this first day of October 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

³ *Ibid.*, T. pp. 1499-1501.