



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: 30 October 2007
Original: ENGLISH
French

BEFORE TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr Hans Holthuis

Decision of: 30 October 2007

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON IMPLEMENTING THE FINANCING OF THE
ACCUSED**

The Office of the Prosecutor:

Ms Christine Dahl

The Accused:

Mr Vojislav Šešelj

TRIAL CHAMBER III (“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”),

PROPRIO MOTU

NOTING the decision on financing the defence of the Accused rendered by the pre-trial Judge on 30 July 2007 (“Decision of 30 July”) that raised the principle of the Tribunal financing the defence of an accused who is representing himself, under certain conditions,¹

CONSIDERING that one of the conditions set by the pre-trial Judge, pursuant to the Rules of Procedure and Evidence (“Rules”) and the Directive on Assignment of Defence Counsel (“Directive”),² was the burden of Vojislav Šešelj (“Accused”) to prove his indigence,

CONSIDERING that in this regard the pre-trial Judge ruled:

that it is absolutely necessary for [the Accused] to cooperate with the Registry by filling out *the entire* declaration of means form and by enabling the Registry to use appropriate means to assess the financial situation of the Accused in a satisfactory manner. The pre-trial Judge would point out that the Accused gave an overview of his financial situation during the status conferences. He now has to provide the Registry with the necessary documents in support of his prior statements.³

CONSIDERING that the dispositions decreed by the Decision of 30 July could not be implemented owing to the position taken by the Accused who refuses to comply with the formalities imposed by the Registry, and in particular to provide the justification it requires,

CONSIDERING in particular that the Accused maintains that he already provided the necessary documents to determine his indigence prior to the rendering of the

¹ Decision on Financing the Defence of the Accused, 30 July 2007 (“Decision of 30 July”), paras. 56-65.

² Directive on Assignment of Defence Counsel (IT/73/Rev. 10).

³ Decision of 30 July, para. 59.

Decision of 30 July,⁴ and that the Registry has been imposing “impossible conditions” on him since then,⁵

CONSIDERING that the Registry, as an organ managing the allotment of international public funds to indigent accused, is obliged under the terms of the Rules and the Directive to have in its possession the essential documents needed to properly determine the Accused’s indigent situation,

CONSIDERING that the Accused, just as any other accused before the Tribunal who declares himself indigent or partially indigent, must duly provide the Registry this essential information and that this refusal is a free choice made by the Accused who alone will have to bear its consequences,

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 54 of the Rules,

INVITES the Accused once again to provide the documents requested by the Registry so that it may determine his state of indigence.

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

/signed/

Jean-Claude Antonetti

Presiding Judge

Done this thirtieth day of October 2007

At The Hague

The Netherlands

[Seal of the Tribunal]

⁴ Pre-trial conference of 23 October 2007, Court transcript in French (“CTF”), pp. 1619, 1621.

⁵ *Id.* CTF, p. 1615.