



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: 16 January 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Order of: 16 January 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER ON THE ACCUSED'S MOTION REGARDING DISCLOSURE OF
THE WRITTEN STATEMENT OF A WITNESS UNDER RULE 66 OF THE
RULES OF PROCEDURE AND EVIDENCE (SUBMISSION 364)**

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”);

SEIZED of Submission 364 submitted confidentially by Vojislav Šešelj (“Accused”) on 19 December 2007 (“Submission 364”) disputing the regularity of the disclosure of the written statement of Witness VS-034 (“Statement”) by the Office of the Prosecutor (“Prosecution”);¹

NOTING Rule 66 (A) (ii) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) which imposes an obligation on the Prosecution to disclose to the Accused, in a language he understands, copies of the statements of all witnesses whom the Prosecution intends to call to testify at trial;

NOTING the Decision regarding form of disclosure in which the pre-trial Judge ordered on 7 June 2007, *inter alia*

the Prosecution to disclose, as soon as possible, in hard-copy and in a language the Accused understands:

- (i) the Rule 66 (A) (i) documents;
- (ii) the Rule 66 (A) (ii) documents;

[...];²

CONSIDERING that in Submission 364 the Accused alleges that on 11 December 2007 he received, in English only, a copy of the Statement of Witness VS-034, whose testimony was scheduled for January 2008;

CONSIDERING that in an email dated 7 January 2008, the Prosecution informed the Chamber of that day’s disclosure to the Accused of the Statement duly translated into a language he understands;

¹ Submission 364, confidential, submitted 19 December 2007 and filed 2 January 2008.

CONSIDERING that in its Response to Submission 364, submitted confidentially on 14 January 2008, the Prosecution reiterates that the disclosure of the Statement to the Accused in a language he understands was made on 7 January 2008 and explains the reasons for the translation delay and, consequently, requests the Chamber to dismiss Submission 364 as moot;³

CONSIDERING that in any case Witness VS-034 is currently seventh in line in the order of appearance of Prosecution witnesses, which leaves the Accused the time to prepare himself for the cross-examination;⁴

FOR THESE REASONS,

PURSUANT TO Rule 66 (A) (ii) of the Rules,

DISMISSES Submission 364 as moot.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this sixteenth day of January 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

² Decision on Motion Number 289 Regarding Form of Disclosure, 7 June 2007 (“Decision on Form of Disclosure”), para. 37.

³ Prosecution Response to Submission 364, confidential, 14 January 2008.

⁴ Internal Memorandum of the Prosecution, confidential, 4 January 2008.