



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: 8 April 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Decision of: 8 April 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON THE ACCUSED'S SUBMISSION NO. 373 REQUESTING
ADDITIONAL INFORMATION ON EWA TABEAU'S REPORT**

The Office of the Prosecutor

Mr Daryl Mundis

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 No. 373 from Vojislav Šešelj (“Accused”) filed on 14 February 2008 requesting that the Office of the Prosecutor (“Prosecution”) provide additional information on Ewa Tabeau’s report (“Motion”);¹

NOTING the response filed by the Prosecution on 28 February 2008 (“Response”);²

CONSIDERING that the Prosecution filed a submission on 13 July 2006 (“Submission of 13 July 2006”)³ disclosing pursuant to Rule 94 *bis* of the Rules of Procedure and Evidence (“Rules”) demographer Ewa Tabeau’s report dated 29 June 2006 (“Hrtkovci Report”) with the exhibits connected to this Report and requested pursuant to Rule 92 *bis* (D) of the Rules the admission of Ewa Tabeau’s transcript of evidence in the case *The Prosecutor v. Slobodan Milošević* (“*Milošević Case*”) with related exhibits;

CONSIDERING that the Accused maintains that he needs additional information that would be relevant for the presentation of his case: (i) documents relating to the demographics of Bosnia and Herzegovina (“Bosnia and Herzegovina Documents”)⁴ and (ii) the list of 116 persons who allegedly left Hrtkovci after the events between May and August 1992 in this locality and received the status of refugees in Croatia (“List of Persons”);⁵

¹ Professor Vojislav Šešelj’s Motion for the Prosecution to Send Information, presented on 8 February 2008 and registered on 14 February 2008.

² Prosecution Response to Submission 373 Requesting Demographic Data and Information for Bosnia and Herzegovina, 28 February 2008.

³ Prosecution’s Submission of the Expert Report of Ewa Tabeau Pursuant to Rule 94 *bis* and Motion for the Admission of Transcripts Pursuant to Rule 92 *bis* (D), 13 July 2006.

⁴ The Accused requests in particular: (1) the criteria used for the 1991 census and the statistics corresponding to each criteria, (2) the criteria used for the OSCE electoral registers in 1997 and 1998 and the statistics corresponding to each criteria, (3) the list of persons who were matched in 1991 and the 1997 and 1998 electoral registers with the relevant information, (4) persons working abroad accompanied by their family according to the 1991 census broken down by municipality in Bosnia and Herzegovina.

⁵ Motion, p. 3.

CONSIDERING that the Accused asserts that without this information it is almost impossible for him to examine the methodology used by Ewa Tabeau and determine if this methodology was properly applied;⁶

CONSIDERING that the Prosecution responded that the Accused's request with regard to the Bosnia and Herzegovina Documents should be denied since they are irrelevant to an analysis of the Hrtkovci Report;⁷

CONSIDERING that the Prosecution declares that it already disclosed the List of Persons but accepts to re-disclose it;⁸

CONSIDERING that even if the evidence given by Ewa Tabeau in the *Milošević* Case deals with other demographic reports, in particular concerning Bosnia and Herzegovina,⁹ Ewa Tabeau's report in the present case is connected solely to the territory of Vojvodina (Serbia) and in particular the village of Hrtkovci;¹⁰

CONSIDERING that the Chamber recalls that it will rule on the Motion of 13 July 2005 including *inter alia* the request to admit Ewa Tabeau's transcript of evidence in the *Milošević* Case after ruling on the expert status of Ewa Tabeau;¹¹

CONSIDERING that at this stage the Chamber does not need to rule on either the merits or the relevance of the Accused's request concerning the Bosnia and Herzegovina Documents;

⁶ *Id.* p. 3.

⁷ Response, para. 3.

⁸ *Id.*, para. 4.

⁹ Motion of 13 July 2006, para. 5.

¹⁰ See the report entitled "The Out-Migration of Croats and Other Non-Serbs from the Village of Hrtkovci in Vojvodina in 1992".

¹¹ Decision on Prosecution's Consolidated Motion Pursuant to Rules 89 (F), 92 *bis*, 92 *ter* and 92 *quater* of the Rules of Procedure and Evidence, confidential, 7 January 2008 ("Decision of 7 January 2008"), para. 47. The Chamber recalls that the Prosecution has the possibility of presenting a new motion to admit the related exhibits, clearly justifying the relevance of these exhibits and their connection with the witness, see Decision of 7 January 2008, para. 58.

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 54 of the Rules,

DECLARES the Accused's request with regard to the List of Persons moot, provided that the Prosecution has indeed disclosed it to the Accused, and

STAYS THE DECISION on the Accused's request regarding the Bosnia and Herzegovina Documents.

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

/signed/
Jean-Claude Antonetti
Presiding Judge

Done this eighth day of April 2008
At The Hague
The Netherlands

[Seal of the Tribunal]