



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: 18 June 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: 18 June 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

ORDER PROTECTING THE INTEGRITY OF THE PROCEEDINGS

The Office of the Prosecutor:

Ms Christine Dahl
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");

PROPRIO MOTU

NOTING the significant number of references by Vojislav Šešelj ("Accused") to past, present and future witnesses in this case as "false witnesses", "liars" and "criminals", and the many warnings from the Chamber cautioning the Accused not to use that type of language;¹

NOTING also the Accused's repeated incriminations of various personalities, institutions and officials;²

NOTING the obligation on the Chamber to ensure the protection of witnesses under Article 20 (1) of the Statute of the Tribunal ("Statute");

NOTING the Order Setting Out the Guidelines for the Presentation of Evidence and the Conduct of the Parties During the Trial, issued by the Chamber on 15 November 2007, according to which the Chamber "may prohibit any inappropriate, repetitive or irrelevant questions, including those constituting an unjustified attack on the witnesses";³

CONSIDERING that the Chamber deems that any reference to a witness in this case as being a "false witness", "liar" or "criminal" adversely affects the integrity of these witnesses, thereby constituting an unjustified attack on them, and as a result undermines the smooth conduct of the proceedings which the Chamber is duty-bound to ensure in accordance with the Statute and the Rules of Procedure and Evidence of the Tribunal ("Rules"),

¹ See in particular: Hearing of 6 March 2008, Transcript in French ("T(F)") p. 4540; Hearing of 20 March 2008, T(F) p. 5089; Hearing of 7 May 2008, T(F) pp. 6608-6614; Hearing of 14 May 2008, T(F) 6863; Hearing of 5 June 2008, T(F) 7960-7962; Hearing of 10 June 2008, T(F) 7967.

² See in particular: Hearing of 12 December 2007, T(F) pp. 2110-2111, 2113; Hearing of 3 April 2008, T(F) p. 5721; Hearing of 17 April 2008, T(F) p. 6290-6291; Hearing of 22 April 2008, T(F) 6351; Hearing of 21 May 2008, T(F) p. 7207; Hearing of 10 June 2008, T(F) pp. 8037-8039; Hearing of 11 June 2008, T(F) pp. 8059-8060.

³ Order Setting Out the Guidelines for the Presentation of Evidence and the Conduct of the Parties During the Trial, 15 November 2007, Annex, para. 25.

CONSIDERING that the Chamber further finds that such terms may also have an intimidating and dissuasive effect on the witnesses who will be called to testify in future;

CONSIDERING that these unsubstantiated incriminations may cause irreparable prejudice;

CONSIDERING that the Chamber has cautioned the Accused on many occasions, but without success;

CONSIDERING that henceforth any reference as described in the disposition below shall be expunged from the public transcript and video-recording of the hearings,

CONSIDERING that the Chamber recalls that in the cross-examination of any witness called by the Prosecution, the Accused has the possibility of submitting information to the Chamber permitting it to establish that a witness may not have told the truth in direct examination;

FOR THESE REASONS

IN ACCORDANCE with Article 20 (1) of the Statute and Rule 54 of the Rules

DECIDES that in future any statements that the Chamber deems to adversely affect the integrity of the proceedings shall be expunged from the public transcript and video-recording of the hearings.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this eighteenth day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]