



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: 27 August 2008

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: 27 August 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON THE ACCUSED'S MOTION TO BE PRESENT
DURING THE HEARINGS HELD IN THE MATTER OF LJUBIŠA
PETKOVIĆ (IT-03-67-R77.1)**

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”);

SEIZED of the motion by Vojislav Šešelj (“Accused”) to be present during the hearings in The Matter of Ljubiša Petković which will be held as of 3 September 2008 (“Motion”);¹

CONSIDERING that based on the right to a fair trial, the Accused seeks to attend the debates² to the same extent as the Office of the Prosecutor (“Prosecution”), that will attend the hearings in its capacity as a party to the proceedings;³

CONSIDERING that the Accused also argues that he is an interested party to the proceedings against Ljubiša Petković since the latter is “a witness for the defence” and the number of this case – IT-03-67-P[sic].77.1 – indicates its close connection with the present case;⁴

CONSIDERING that the Prosecution is not a party to the matter of contempt against Ljubiša Petković for not respecting the subpoena as a witness called by the Chamber⁵ and that any title other than *Dans l’affaire contre Ljubiša Petković* or in English In the Matter of Ljubiša Petković is an error;

CONSIDERING consequently that the Prosecution has not attended the pre-trial hearings to date in the matter of Ljubiša Petković and will not attend subsequent hearings scheduled for the trial;

CONSIDERING that Ljubiša Petković, assisted by his Counsel, is the sole party in the matter against him before the Chamber and that consequently neither the Accused nor the Prosecution may be authorised by the Chamber to be present at the proceedings for contempt against Ljubiša Petković;

¹ Motion of Professor Vojislav Šešelj for Trial Chamber III to Permit Him to be Present in the Courtroom and Follow the Trial of Ljubiša Petković for Contempt of the Tribunal (Submission 393) (“Motion”), submitted on 21 August 2008 and filed in English confidentially on 26 August 2008.

² *In the Matter of Ljubiša Petković*, Case No. IT-03-67-R77.1.

³ Motion, pp. 3-4.

⁴ Motion, p. 3.

⁵ See the Subpoena of 7 April 2008, confidential, citing Witness Ljubiša Petković as witness for the Chamber; see also Order to Lift Confidentiality, 28 May 2008, lifting the confidentiality of the Subpoena of 7 April 2008.

