

IT-03-67-R77.2  
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25 March 2009

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**UNITED  
NATIONS**



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-R77.2

Date: 25 March 2009

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge O-Gon Kwon  
Judge Kevin Parker

**Acting Registrar:** Mr. John Hocking

**Order:** 25 March 2009

**PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

***PUBLIC***

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**ORDER REGARDING THE FILING OF A MOTION**

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**Amicus Curiae Prosecutor:**

Mr. Bruce MacFarlane, Q.C.

**The Accused:**

Mr. Vojislav Šešelj

**THIS TRIAL 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”);

**NOTING** the “Motion of Professor Vojislav Šešelj for Disqualification of Judge Carmel Agius” (Submission 415) submitted by Vojislav Šešelj (“Accused”) on 3 March 2009 (“Motion”), to which a book in the Serbian language, published in the name of the Accused, is appended as an annex (“Annexed Book”);

**NOTING** the Practice Direction on the Procedure for the Review of Written Submissions which Contain Obscene or Otherwise Offensive Language (“Practice Direction”);<sup>1</sup>

**NOTING** that the Motion makes references to the title of the Annexed Book which, in the Trial Chamber’s view, contains offensive and inappropriate language for filing before this Tribunal;

**NOTING** that the Motion also quotes portions of the transcript of a status conference held in the case of *Prosecutor v. Vojislav Šešelj* on 29 October 2003,<sup>2</sup> which were subject to orders prohibiting disclosure to the public;<sup>3</sup>

**CONSIDERING** that it is in the interest of expediency that the Registry file the Motion as a public document after having made the relevant redactions in application of this order as opposed to returning it to the Accused for re-submission in the proper form;

**CONSIDERING** that the issues raised by the Accused are sufficiently argued in the Motion and that, therefore, there is no need for a translation of the said book into English;

**CONSIDERING**, however, that for the sake of completeness of the record the Annexed Book should be filed as an annex to the Motion, and that for the reasons previously mentioned, it should be filed confidentially;

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence of the Tribunal and to the Practice Direction,

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<sup>1</sup> Practice Direction on the Procedure for the Review of Written Submissions which Contain Obscene or Otherwise Offensive Language, 14 November 2005.

<sup>2</sup> Motion, pp. 7-8.

<sup>3</sup> *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, Transcript of hearing of 29 October 2003, T. 119.

**HEREBY INSTRUCTS** the Registry to file

(a) the Motion as a public document with the following redactions:

(i) all the references to the title of the Annexed Book,

(ii) the passages of the transcript of the 29 October 2003 Status Conference that were subject to orders prohibiting disclosure to the public; and

(b) the Annexed Book as a confidential annex to the Motion.

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

  
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Judge O-Gon Kwon

Dated this twenty-fifth day of March 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**