

**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-R77.3

Date: 10 May 2011

Original: English

IN TRIAL CHAMBER II

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Burton Hall

Registrar: Mr. John Hocking

Order: 10 May 2011

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

SCHEDULING ORDER

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 “Public Redacted Version of Second Decision on Prosecution’s Motion Under Rule 77 Concerning Further Breaches of protective Measures (Three Books) Issued on 3 February 2010” of 4 February 2010, and the annexed order in lieu of indictment wherein the Chamber initiated contempt proceedings against Vojislav Šešelj (“Accused”) by charging him with one count of contempt of the Tribunal, punishable under Rule 77(A)(ii) of the Rules of Procedure and Evidence of the Tribunal (“Rules”), for having disclosed information in a book which may identify 11 protected witnesses in violation of orders of a Chamber;

NOTING the initial appearance of the Accused held on 29 April 2010, during which the Accused did not enter a plea, and the further initial appearance held on 6 May 2010, during which a plea of not guilty was entered on his behalf;

NOTING that the trial commenced on 22 February 2011 and that the *Amicus Curiae* Prosecutor rested his case on the same day;

NOTING that also on 22 February 2011, the Accused informed the Chamber that he would not be in a position to present his case pending the resolution by the Appeals Chamber of the financing of his defence in the Case No. IT-03-67-T (“Šešelj case”) but that in any event, in these proceedings, he was only asking for the travel and accommodation costs of a legal assistant and a case manager to be covered as well as the costs incurred by the witnesses he intends to call;¹

NOTING further that on the same day the Accused stated he would require five hours to present his case;²

NOTING that the Chamber informed the parties that the trial would be adjourned *sine die* and that the date for the resumption of the trial proceedings would be announced in due course;³

NOTING that the Appeals Chamber issued its confidential “Decision on the Registry Submissions Pursuant to Rule 33(B) Regarding the Trial Chamber’s Decision on Financing of Defence” on 8 April 2011 in the Šešelj case (“Appeal Decision”), dismissing the Registry’s appeal that Trial

¹ Pre-Trial Conference, T. 74 (22 February 2011).

² Pre-Trial Conference, T. 74 (22 February 2011).

³ Pre-Trial Conference, T. 77, 135 (22 February 2011).

Chamber III had made a discernable error in deciding *proprio motu* that the Tribunal should cover, from this day forward until the end of the trial in the *Šešelj* case, for

50% of the funds allocated in principle to a totally indigent accused, to the defence team for [Šešelj] consisting of three privileged associates, a case manager and an investigator, based on the Scheme for Persons Assisting Indigent Self-Represented Accused and on the basis of a determination of the complexity of this case at level 3.⁴

CONSIDERING the Chamber's duty to ensure under Articles 20(1) and 21(4)(c) that the Accused is tried expeditiously, without undue delay;

CONSIDERING that the Appeals Decision was issued on 8 April 2011, that the Registry therefore had sufficient time to ascertain the consequences of the Appeal Decision for these proceedings and that the Accused should have taken the appropriate measures to ensure the attendance of the witnesses he intends to call during his defence case;

CONSIDERING therefore that the recommencement of the trial in these proceedings may be scheduled;

PURSUANT TO Article 20 of the Statute of the Tribunal and Rule 54 of the Rules;

HEREBY ORDERS that

- 1) the trial in these proceedings shall recommence on Monday 6 June 2011 at 2.30 p.m.;
and
- 2) the Accused will be granted five hours to present his case.

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



Judge O-Gon Kwon
Presiding

Dated this tenth day of May 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, Redacted version of "Decision on Financing of Defence, filed on 29 October 2010", 2 November 2010 (English translation filed on 9 November 2010), p. 7; *see also Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-R33B, Decision on the Registry Submission Pursuant to Rule 33(B) Regarding the Trial Chamber's Decision on Financing of Defence, confidential, 8 April 2011, para. 29.