



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: 26 April 2012
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr John Hocking

Order of: 26 April 2012

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER CHARGING THE ACCUSED VOJISLAV ŠEŠELJ TO FILE A
PUBLIC REDACTED VERSION OF HIS FINAL BRIEF**

The Office of the Prosecutor

Mr Mathias Marcussen

The Accused

Mr Vojislav Šešelj

TRIAL CHAMBER III 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 (“Chamber” and “Tribunal”, respectively);

NOTING the Final Brief filed by Vojislav Šešelj (“Accused”) on 30 January 2012 and registered as confidential by the Registry of the Tribunal (“Registry”) on the same day (“the Accused’s Final Brief”),¹

NOTING the Final Brief filed as a confidential document by the Office of the Prosecutor (“Prosecution”) on 5 February 2012 and the public redacted version of the final brief filed by the Prosecution on 20 April 2012,²

NOTING that on 20 March 2012, in keeping with Rule 87 of the Rules of Procedure and Evidence (“Rules”), the Presiding Judge declared the hearings in this case closed,³

CONSIDERING that the Accused has still not filed a public redacted version of his Final Brief,

RECALLING that, in accordance with the principle of the public nature of proceedings set out in Rule 78 of the Rules, according to which all proceedings conducted before a Trial Chamber, including the parties’ written submissions, shall be public unless otherwise dictated by exceptional circumstances, the parties are obliged to file a public version of their confidential final briefs,⁴

CONSIDERING that it is incumbent upon the Chamber to ensure that the Accused conforms to this obligation,

FOR THE FOREGOING REASONS

¹ “Завршни претресни поднесак одбране проф. др Војислава Шешеља”, 30 January 2012 (confidential). See also “Certificate”, 31 January 2012 (confidential); for English translation, see “Professor Vojislav Šešelj’s Final Brief”, 21 March 2012 (confidential); for French translation, see “*Mémoire en clôture de Vojislav Šešelj*”, 27 March 2012 (confidential). The Chamber recalls ordering the Registry to register the Final Brief filed by the Accused on 30 January 2012 as confidential insofar as it mentions the identity of protected witnesses in the case.

² “Prosecution Closing Brief”, 5 February 2012 (confidential with confidential annexes); “Corrigendum to Prosecution Final Trial Brief”, 6 February 2012 (confidential); “Re-Filing of Prosecution Final Trial Brief”, 6 February 2012 (confidential); “Corrigendum to Prosecution’s Closing Brief”, 20 April 2012 (confidential with confidential annex); for French translation see “*Nouveau dépôt du mémoire en clôture de l’Accusation*”, 29 February 2012 (confidential); for the public version, see “Prosecution’s Notice of Filing a Public Redacted Version of the Prosecution’s Closing Brief”, 20 April 2012 (public with a public annex).

³ Closing arguments, T(E) of 20 March 2012, pp. 17553 and 17554.

⁴ See, by analogy, *The Prosecutor v. Mladen Naletilić and Vinko Martinović*, Case No. IT-98-34-A, “Decision on Vinko Martinović’s Withdrawal of Confidential Status of Appeal Brief”, 4 May 2005 (public), p. 3; see also *The Prosecutor v. Nikola Šainović et al.*, Case No. IT-05-87-A, “Order Regarding the Alteration of the Status of Exhibits Consisting of Transcripts from Another Case”, 5 April 2011 (public), p. 1; *The Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-AR65.1, “Decision on Defence Appeal Against Trial Chamber’s Decision on Sredoje Lukić’s Motion for Provisional Release”, 16 April 2007 (public), footnote no. 2; *The Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-R, “Order Withdrawing Confidential Status of Pre-review Order and Decisions”, 5 December 2005 (public), p.2.

PURSUANT TO Rules 54 and 78 of the Rules,

ORDERS the Accused to file a public redacted version of his Final Brief by 31 May 2012 at the latest.

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

/signed/
Jean-Claude Antonetti
Presiding Judge

Done this twenty-sixth day of April 2012
At The Hague
The Netherlands

[Seal of the Tribunal]