



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-A

Date: 23 August 2012

Original: English

IN THE APPEALS CHAMBER

Before: Judge Arlette Ramaroson, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Andréia Vaz

Registrar: Mr. John Hocking

Decision: 23 August 2012

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

**DECISION ON *AMICUS CURIAE* PROSECUTOR'S MOTION
FOR A DECLARATION THAT VOJISLAV ŠEŠELJ HAS
WAIVED HIS RIGHT TO APPEAL**

***Amicus Curiae* Prosecutor:**
Mr. Bruce MacFarlane

Mr. Vojislav Šešelj, *pro se*

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THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively),

NOTING the “Decision on *Amicus Curiae* Prosecutor’s Motion to Strike the Appellant’s Brief and Urgent Motion for Stay of Deadline”, filed on 23 April 2012 (“First Decision”), in which the Appeals Chamber ordered Vojislav Šešelj (“Šešelj”) to re-file an appeal brief within the prescribed word limit;¹

NOTING the “Decision on Vojislav Šešelj’s Submission No. 491 and on the *Amicus* Prosecutor’s Motion to Strike Vojislav Šešelj’s Notice of Appeal and to Close the Case”, filed on 6 July 2012 (“Second Decision”), in which the Appeals Chamber ordered Šešelj to re-file a notice of appeal and an appeal brief in accordance with the terms of the Second Decision;²

NOTING the “Response to the Decision on Vojislav Šešelj’s Submission No. 491 and on the *Amicus* Prosecutor’s Motion to Strike Notice of Appeal and to Close the Case”, filed on 17 July 2012 (“Submission No. 496”), in which Šešelj “fully reject[s]” the Second Decision³ and fails to submit any request for relief;

BEING SEISED OF the “*Amicus Curiae* Prosecutor’s Motion for a Declaration that the Respondent has Waived his Right to Appeal”, filed on 30 July 2012 (“Motion”), in which the *Amicus Curiae* Prosecutor requests that the Appeals Chamber issue a decision declaring that Šešelj has waived his right of appeal for failing to re-file a notice of appeal and an appeal brief or, in the alternative, dismiss Submission No. 496 should the Appeals Chamber construe it as a motion for reconsideration;⁴

NOTING that Šešelj has not responded to the Motion;

RECALLING that the Second Decision expressly warned Šešelj that, should he fail to file both a notice of appeal and an appeal brief in conformity with Rule 108 of the Rules of Procedure and Evidence of the Tribunal, the Practice Direction on Formal Requirements,⁵ and the Second Decision, he will be considered to have waived his right to appeal;⁶

¹ First Decision, paras 14-15.

² Second Decision, para. 24.

³ Submission No. 496, para. 5. The English translation of the Bosnian/Croatian/Serbian (“B/C/S”) original was filed on 19 July 2012.

⁴ Motion, paras 13, 17.

⁵ Practice Direction on Formal Requirements for Appeals from Judgement, IT/201, 7 March 2002 (“Practice Direction on Formal Requirements”).

⁶ Second Decision, para. 24.

CONSIDERING that Šešelj did not re-file a notice of appeal or an appeal brief within the time limits prescribed by the Appeals Chamber;⁷

HEREBY FINDS that Šešelj has waived his right to appeal and **DECLARES** the briefing in the present case completed.⁸

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

Dated this twenty-third day of August 2012,
At The Hague,
The Netherlands.



Judge Arlette Ramaroson
Presiding

[Seal of the Tribunal]

⁷ Šešelj received the B/C/S translation of the Second Decision on 13 July 2012. *See Procès-Verbal*, 16 July 2012. Šešelj therefore had until 20 July 2012 to re-file a notice of appeal and had until 27 July 2012 to re-file an appeal brief. *See* Second Decision, para. 24.

⁸ The *Amicus Curiae* Prosecutor filed his notice of appeal and appeal brief on 14 November 2011 and 29 November 2011, respectively. *See Amicus Curiae* Prosecutor Notice of Appeal Against Sentence, 14 November 2011; *Amicus Curiae* Prosecutor's Appellant Brief on Sentence, 29 November 2011.