



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: 13 November 2013
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Mandiaye Niang
Judge Flavia Lattanzi

Registrar: Mr. John Hocking

Order of: 13 November 2013

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION INVITING THE PARTIES TO MAKE SUBMISSIONS ON
CONTINUATION OF PROCEEDINGS**

The Office of the Prosecutor:

Mr. Serge Brammertz
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),

PROPRIO MOTU,

NOTING the close of hearings declared by Judge Antonetti, Presiding Judge of the Trial Chamber, on 20 March 2012, following the closing arguments from the Office of the Prosecutor and Vojislav Šešelj (“Prosecution” and “Accused”, respectively),¹

NOTING the Scheduling Order issued by the Trial Chamber on 12 April 2013, in which it ordered that the judgement be pronounced on Wednesday, 30 October 2013,²

NOTING the Decision of 28 August 2013 rendered by a panel of three Judges (“Panel”), in which it found by majority, Judge Liu dissenting, that there exists an unacceptable appearance of bias on the part of Judge Harhoff and upheld the motion of the Accused to disqualify him from the present case,³

NOTING the order to rescind the scheduling order of 12 April 2013, issued by the Presiding Judge of the Trial Chamber on 17 September 2013,⁴

NOTING the decision of 7 October 2013 issued by the Panel, in which it denies by majority, Judge Liu dissenting, (1) the Prosecution’s motion seeking reconsideration of the Decision of 28 August 2013, (2) the joint motion filed by Counsel for Mićo Stanišić and Stojan Župljanin seeking leave to make submissions on the aforementioned Prosecution motion, and (3) the request for clarification filed by Judge Antonetti and Judge Lattanzi,⁵

¹ Closing Arguments, T(E) of 20 March 2012, p. 17554 (public hearing).

² “Scheduling Order”, 12 April 2013 (public).

³ *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67, Panel of three Judges convened by order of the Acting President of the Tribunal, “Decision on Defence Motion for Disqualification of Judge Frederik Harhoff and Report to the Vice-President”, 28 August 2013 (public) (“Decision of 28 August 2013”). Regarding the Panel of three Judges convened by order of the Vice-President in his capacity as Acting President of the Tribunal, see *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67, Acting President of the Tribunal, “Order Pursuant to Rule 15”, 25 July 2013 (public).

⁴ “Order to Rescind Scheduling Order of 12 April 2013”, 17 September 2013 (public).

⁵ *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67, Panel of three Judges convened by order of the Acting President of the Tribunal, “Decision on Prosecution Motion for Reconsideration of Decision on

NOTING the order issued by the Acting President on 31 October 2013, in which he assigned, with immediate effect, Judge Mandiaye Niang to replace Judge Harhoff in the Trial Chamber seised of the present case,⁶

CONSIDERING that the newly constituted Trial Chamber deems that, in the interests of justice and given the *sui generis* aspect of the current situation, the parties should be invited to make their submissions on the continuation of the proceedings as soon as possible,

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence,

INVITES the Accused and the Prosecution to make their respective submissions on the continuation of the proceedings within 14 days of receipt of the BCS translation of this decision by the Accused.

Judge Antonetti encloses his concurring opinion.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this thirteenth day of November 2013
At The Hague
The Netherlands

[Seal of the Tribunal]

Disqualification, Requests for Clarification, and Motion on Behalf of Stanišić and Župljanin”, 7 October 2013 (public).

⁶ *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67, Acting President of the Tribunal, “Order Assigning a Judge Pursuant to Rule 15”, 31 October 2013 (public).