



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: 16 June 2014  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

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

**Registrar:** Mr John Hocking

**Decision of:** 16 June 2014

**THE PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

**PUBLIC**

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**DECISION ON “MOTION TO INSTIGATE PROCEEDINGS AGAINST  
CARLA DEL PONTE”**

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**The Office of the Prosecutor**

Mr Mathias Marcussen

**The Accused**

Mr Vojislav Šešelj

**TRIAL CHAMBER III** (“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”),

**SEIZED** of the “Motion to Instigate Proceedings against Carla del Ponte”, filed as a confidential document by Vojislav Šešelj (“Accused”) on 16 October 2013 (“Motion”), in which he requests that the President of the Tribunal instigate contempt proceedings against Carla del Ponte,<sup>1</sup>

**NOTING** the “Prosecution’s Response to Motion to Instigate Proceedings against Carla del Ponte”, filed as a confidential document by the Office of the Prosecutor (“Prosecution”) on 21 October 2013 (“Response”), in which it states that the Motion should be summarily dismissed since this concerns a simple repetition of allegations presented in motions that have already been dismissed in the past,<sup>2</sup>

**NOTING** the “Order regarding a Motion for the Initiation of Contempt Proceedings”, rendered as a confidential document by the President of the Tribunal on 11 November 2013, in which it assigns the Motion to the Chamber,

**CONSIDERING** that Article (4) (a) of the Statute of the international Mechanism, which is called upon to carry out the residual work of the criminal tribunals (“Mechanism”), provides that the Mechanism has the power to prosecute “any person who knowingly and wilfully interferes or has interfered with the administration of justice by the Mechanism or the Tribunals, and to hold such person in contempt”,

**CONSIDERING** that Article 4 (2) of the Transitional Arrangements in the annex to Resolution 1966 adopted by the United Nations Security Council on 22 December 2010 (“Resolution 1966”) states that the Mechanism “shall have competence to conduct, and complete, all appellate proceedings for contempt of court and false testimony and false testimony for which the indictment is confirmed on or after the commencement date of the respective branch of the Mechanism”,

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<sup>1</sup> Motion, p. 12.

<sup>2</sup> Response, paras 1 and 2.

**CONSIDERING** that the branch of the Mechanism responsible for the residual work of the Tribunal (“Branch”) commenced functioning on 1 July 2013,<sup>3</sup>

**CONSIDERING** that to the extent that the Motion was filed after the Branch commenced functioning, the Chamber is not competent to examine the Motion,<sup>4</sup>

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence and Resolution 1966,

**DECLARES** the Motion inadmissible,

**REFERS** the Motion to the President of the Tribunal to decide on the appropriate course to take.

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

          /signed/            
Jean-Claude Antonetti  
Presiding Judge

Done this sixteenth day of June 2014  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>3</sup> Resolution 1966, para. 1.

<sup>4</sup> See also, *The Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T and IT-02-54-T, “Decision on Jurisdiction Following the Assignment of a Specially Appointed Chamber”, 18 October 2013.