

Before:

Judge O-Gon Kwon, Presiding
Judge Kevin Parker
Judge Iain Bonomy

Registrar:

Mr. John Hocking

Public Redaction Order

The Prosecutor
V
Vojislav Šešelj

Order to redact the public transcript
and the public broadcast of a hearing

The Trial Chamber

(At the request of the Prosecutor / Defence and with the agreement of the parties)

ORDERS that the following blackened text be omitted from the public transcript of the hearing dated 29 May 2009 and be edited from the public broadcast of the hearing.

The screenshot shows a transcript viewer window with a menu bar (File, Edit, Transcript, Search, Annotate, Issues, Report, Options, Window, Help) and a toolbar. The transcript text includes:

- 20:17:11:46 Mr. Kwon at the time was the Judge in the Milosevic trial, for
- 21:17:11:50 example. I don't think Mr. Bonomy was in the trial yet when Milan Babic
- 22:17:11:58 testified as a protected within. I followed the trial in Belgrade and
- 23:17:12:02 immediately identified Milan Babic on what he was saying in the
- 24:17:12:05 courtroom. Several days later the protective measures were lifted and
- 25:17:12:09 Milan Babic continued to testify in open session, publicly.
- 60:17:12:11 So that is all possible by deduction and by using your
- 2:17:12:20 intelligence. Experts 20 years ago established that my IQ was above 240.
- 3:17:12:31 Perhaps these experts are telling lies.
- 4:17:12:34 Now, how -- what's Mr. MacFarlane's IQ. I don't know. Before
- 5:17:12:36 this trial I thought his IQ was much higher than I think it is now, but
- 6:17:12:43 of course I don't want to say anything derogatory about anyone because he
- 7:17:12:47 has raised the question of intelligence and the capabilities of an
- 8:17:12:51 average man, so that brings me to these associations without wishing to
- 9:17:12:56 insult him.
- 10:17:12:57 Now, who could have concluded -- who this was about when it came
- 11:17:13:02 to three protected witnesses in reading this book? Well, ask yourselves,
- 12:17:13:20 Who has had the time and put in the effort to read a book that is 1.200
- 13:17:13:20 pages long just to have the names of protected witnesses disclosed?
- 14:17:13:21 That's not what you would have done. You print an anonymous flyer, an
- 15:17:13:24 anonymous pamphlet and nobody knows who the author of it is and you
- 16:17:13:29 disclose the names and then you call in people to intimidate the
- 17:17:13:31 witnesses, to instill fear. In Haradinaj, for example, protected
- 18:17:13:36 witnesses were killed. In no Serb trial did you have anything of that
- 19:17:13:40 kind. How many witnesses were killed in the Haradinaj case, ten?
- 20:17:14:05 Dozens? Who knows?
- 21:17:14:05 The Prosecutor goes on to say that this is a very serious problem
- 22:17:14:05 in this case. That's just not true. It's absolutely not true. There is
- 23:17:14:05 no problem here. All we have here is the Prosecutors thinking up this
- 24:17:14:11 problem when they faced fiasco in the main trial.
- 25:17:14:14
- 51:17:14:19 [Redacted]
- 2:17:14:25 [Redacted]
- 3:17:14:30 [Redacted]
- 4:17:14:36 book was being sold at these public promotions and was later distributed
- 5:17:14:41 free of charge, and you can download any copy free of charge from my
- 6:17:14:47 internet site because I don't charge on my site.
- 7:17:14:53 So a lot of time went by until this idea came to the Prosecutor

The bottom of the screenshot shows a toolbar with icons for 'New Transcript', 'Open Transcript', 'Print', 'Go To Page', 'Full Text Only', 'Discard', and 'Cancel'. The status bar at the bottom right indicates '(61:3) Stopped'.

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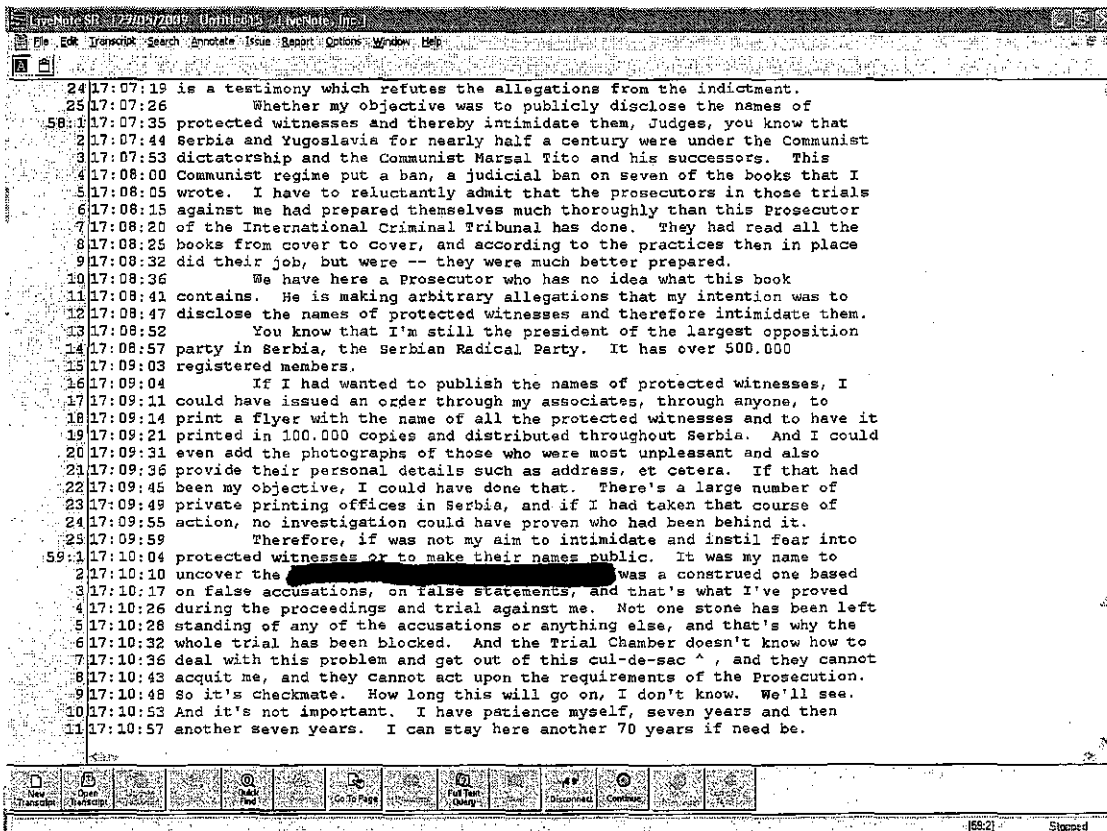
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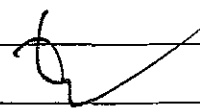
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17:06:43 and published as such.
18:06:45 When the Prosecutor said -- when -- when the Prosecutor says that
19:06:49 a witness can be identified on the basis of the contract on swapping
20:06:55 flats, he extracted only one portion of the contract. However, there are
21:07:01 a whole array of other contracts on swapping flats or residences in which
22:07:07 the contracting parties are not witnesses in this trial, because I
23:07:13 published in my book all the contracts that we managed to obtain, which
24:07:19 is a testimony which refutes the allegations from the indictment.
25:07:26 Whether my objective was to publicly disclose the names of
58:17:07:35 protected witnesses and thereby intimidate them, Judges, you know that
2:17:07:44 Serbia and Yugoslavia for nearly half a century were under the Communist
3:17:07:53 dictatorship and the Communist Marsal Tito and his successors. This
4:17:08:00 Communist regime put a ban, a judicial ban on seven of the books that I
5:17:08:05 wrote. I have to reluctantly admit that the prosecutors in those trials
6:17:08:15 against me had prepared themselves much thoroughly than this Prosecutor
7:17:08:20 of the International Criminal Tribunal has done. They had read all the
8:17:08:25 books from cover to cover, and according to the practices then in place
9:17:08:32 did their job, but were -- they were much better prepared.
10:17:08:36 We have here a Prosecutor who has no idea what this book
11:17:08:41 contains. He is making arbitrary allegations that my intention was to
12:17:08:47 disclose the names of protected witnesses and therefore intimidate them.
13:17:08:52 [Redacted]
14:17:08:57 [Redacted]
15:17:09:03 [Redacted]
16:17:09:04 [Redacted]
17:17:09:11 [Redacted]
18:17:09:14 [Redacted]
19:17:09:21 [Redacted]
20:17:09:31 [Redacted]
21:17:09:36 [Redacted]
22:17:09:45 [Redacted]
23:17:09:49 [Redacted]
24:17:09:55 [Redacted]
25:17:09:59 therefore, it was not my aim to intimidate and instill fear into
59:17:10:04 protected witnesses or to make their names public. It was my name to
2:17:10:10 uncover the affair as such because the affair was a construed one based
3:17:10:17 on false accusations, on false statements, and that's what I've proved
4:17:10:26 during the proceedings and trial against me. Not one stone has been left


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The screenshot shows a transcript window with the following content:

- 17:14:56:42 "A few days after the beginning of the trial of Dr. Vojislav
- 18:14:56:45 Seselj, the latest book from the ^ of the Serb radical leader was
- 19:14:56:51 publicly promoted in the presence of a large number of outstanding public
- 20:14:56:56 personalities."
- 21:14:56:58 The point is that that article indicates that the book came out
- 22:14:57:01 approximately a few days after the beginning of the main trial, which
- 23:14:57:05 would fix it on or about the 7th of November of 2007.
- 24:14:57:19 Some portions of the transcripts are relevant, in my respectful
- 25:14:57:28 submission, to the issue of mens rea, and there's two -- two transcripts
- 17:14:57:43 in particular. The first occurred on the 9th of October, 2008, at page
- 2:14:57:56 10582. The accused said in essence this: "But I insist on the fact that
- 3:14:58:07 it was only members of the team for my defence who took part and the
- 4:14:58:11 composition of that team is something I let the registry know in advance
- 5:14:58:15 on time so how could I before ^ how could I have instructed the
- 6:14:58:19 investigators to compile this become of 1.200 peeps for the whole ^
- 7:14:58:39 affair was uncovered and unveiled. That is the fruit of their labour
- 8:14:58:40 pursuant to my instructions. They are my extended arm in all of this."
- 9:14:58:49 That indicates the nature of the relationship between the advisors on the
- 10:14:58:49 team and the accused. The advisor and the team appear to have largely
- 11:14:58:50 prepared it but pursuant to the instructions as an extended arm of the
- 12:14:58:54 accused.
- 13:14:58:54 A similar comment was made by the accused on the 21st of October,
- 14:14:59:01 2008 at pages 10810 and 10811. To make sure it's seen in context I'll
- 15:14:59:22 read that paragraph.
- 16:14:59:22 JUDGE KWON: Mr. MacFarlane, sorry to interrupt you, but can I
- 17:14:59:25 remind you to try not to reveal the information that may reveal the title
- 18:14:59:34 of the book, et cetera.
- 19:14:59:35 MR. MacFARLANE: Thank you.
- 20:14:59:36 JUDGE KWON: Please go on.
- 21:14:59:37 MR. MacFARLANE: I'll endeavour to steer around some words. The
- 22:14:59:47 accused is reported as having said this: "Now, in addition to this
- 23:14:59:53 [redacted] that is great deal of mystification on the basis of this book and
- 24:14:59:57 it's a report that my associates compiled for me as an attachment for ple
- 25:15:00:02 last complaint against the indictment. You know, the text was a letter
- 18:15:00:06 lengthy one, about 300 pages, and you ordered that it should not be
- 2:15:00:10 trance laid into English. I said it should be printed and published but
- 3:15:00:15 that the names be thrown out and that the code-names be used, the codes
- 4:15:00:19 used by the Prosecution and in that book you'll see these codes." And

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13 14:56:29 by Vojislav Seselj," and then it sets out the name of the book which I
14 14:56:32 won't go into at the moment.
15 14:56:35 The very first paragraph of that article indicates a few days --
16 14:56:40 I'll read the first sentence:
17 14:56:42 "A few days after the beginning of the trial of Dr. Vojislav
18 14:56:45 Seselj, the latest book from the ^ of the serb radical leader was
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14:14:54:12 proud of it, and thanks to these legal proceedings there's been a lot of
 15:14:54:16 interest in the book on his internet site several thousand copies have
 16:14:54:23 been photocopied and reproduced and that he was very satisfied.
 17:14:54:27 That addresses the question of the scope of the publication of
 18:14:54:32 this book.
 19:14:54:35 On another occasion, on the 11th of February, 2009, at page
 20:14:54:50 14238, the accused noted that in fact the whole -- to use his words, "The
 21:14:54:57 whole book has been sold out, by the way." It's only available on his
 22:14:55:00 web site.
 23:14:55:04 I think I'll leave it at that point. There's other transcripts
 24:14:55:08 dealing with the promotion and the scope of the publication, but with a
 25:14:55:11 view to expediting proceedings, I would simply note that in hurt could
 16:14:55:17 have ski ^ the transcripts indicate that several hundred copies were
 2:14:55:22 distributed, that in Belgrade at the trade union building during one of
 3:14:55:26 the promotions there were approximately 3.000 people present. And I
 4:14:55:32 think I'll leave it at that in terms of
 5:14:55:36
 6:14:55:46
 7:14:56:06
 8:14:56:11
 9:14:56:16
 10:14:56:21
 11:14:56:26
 12:14:56:31
 13:14:56:36
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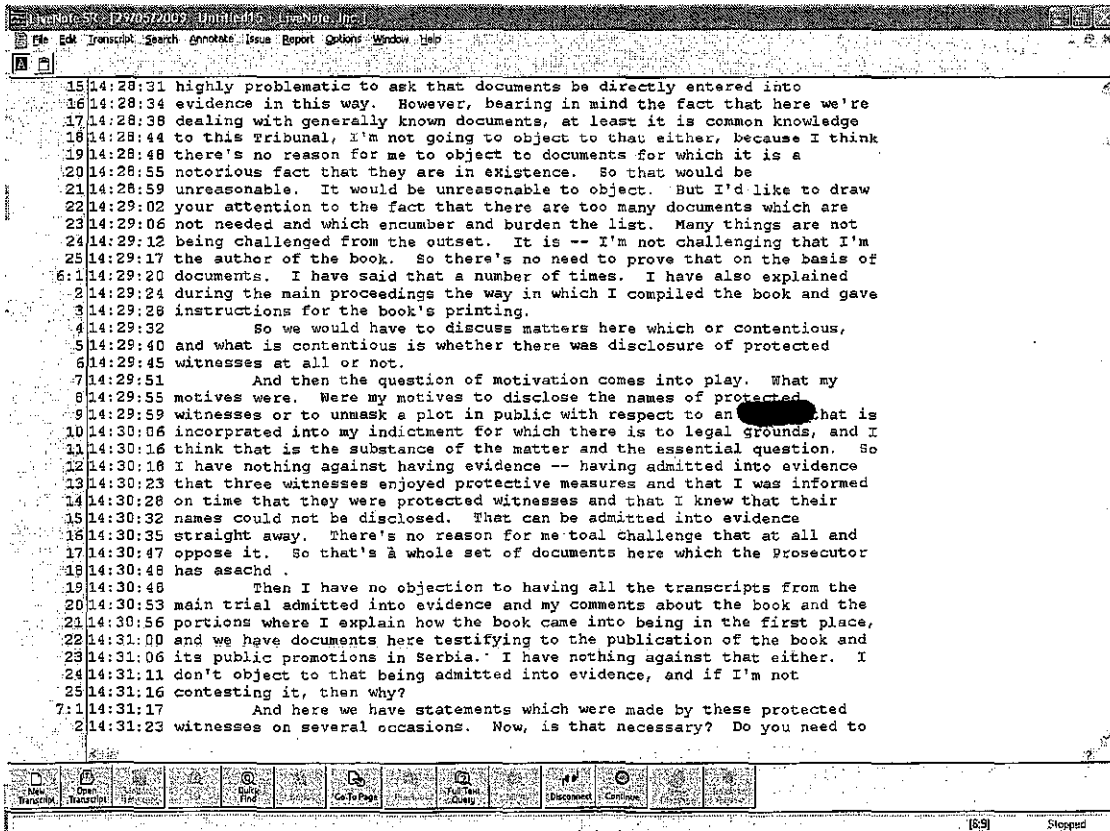
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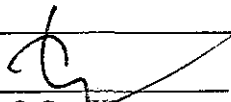
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