



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-PT

Date: 14 September 2007

Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Jean-Claude Antonetti, Pre-Trial Judge
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Decision of: 14 September 2007

PROSECUTOR
v.
VOJISLAV ŠEŠELJ

PUBLIC FILING

**DECISION ON THE ACCUSED'S REQUEST FOR CERTIFICATION TO
APPEAL THE TRIAL CHAMBER'S DECISION OF 19 JULY 2007**

Office of the Prosecutor

Ms. Christine Dahl

The Accused

Mr. Vojislav Šešelj

THIS TRIAL 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”);

BEING SEISED OF the “Motion for Leave to File an Interlocutory Appeal Against the Decision of Trial Chamber III of 19 July 2007” filed by Vojislav Šešelj (“Accused”) on 28 August 2007 (“Motion”), in which the Accused requests that the Trial Chamber grant certification to appeal the “Decision on the Accused’s Motion for Review of the Order of 15 May 2007” issued by the Trial Chamber on 19 July 2007 (“Impugned Decision”);

NOTING that the Prosecution did not file a response within the fourteen day time limit set forth in Rule 126*bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”);

NOTING Rule 77(J) of the Rules according to which “[a]ny decision rendered by a Trial Chamber under this Rule shall be subject to appeal. Notice of appeal shall be filed within fifteen days of filing of the impugned decision”;

CONSIDERING that in the Trial Chamber’s view, the Impugned Decision, being a decision relating in its essential parts to contempt, qualifies as a decision that was, in the terms of Rule 77(J), “rendered by a Trial Chamber under this Rules”;

CONSIDERING, therefore, that the Trial Chamber has no jurisdiction to determine the Accused’s request for certification and that the Accused has a right under Rule 77(J) to appeal directly to the Appeals Chamber;

PURSUANT TO Rule 77 of the Rules,

HEREBY DENIES the Motion.

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



Patrick Robinson
Presiding

Dated this fourteenth day of September 2007
At The Hague
The Netherlands

[Seal of the Tribunal]