



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: 4 November 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: 4 November 2014

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

**ORDER INVITING THE HOST STATE AND THE RECEIVING STATE TO
SUBMIT OBSERVATIONS ON POSSIBLE PROVISIONAL RELEASE OF
THE ACCUSED *PROPRIO MOTU***

The Office of the Prosecutor

Mr Mathias Marcussen

Government of the Kingdom of the Netherlands

Government of the Republic of Serbia

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”),

Proprio Motu

CONSIDERING that the Chamber recently examined the possibility of provisional release of Vojislav Šešelj (“Accused”) *proprio motu* due to his worsening health but had to suspend this initiative because of a lack of cooperation from the Accused,¹

CONSIDERING that since then, the Chamber has received additional confidential information that points to a deterioration of the Accused’s health, which has already been relayed to the public,

CONSIDERING that in light of this new development, and to avoid the worst-case scenario, the Chamber is examining the possibility of provisional release that would allow the Accused to receive treatment in the most suitable environment while at the same time making certain that the security of the witnesses and the integrity of the proceedings will be guaranteed,

CONSIDERING that, in order to be able to do this, the Chamber is seeking the opinion of the Dutch and Serbian authorities on the possible provisional release of the Accused *proprio motu* while respecting the conditions of Rule 65 of the Rules of Procedure and Evidence (“Rules”).

FOR THE FOREGOING REASONS

PURSUANT TO Rules 54 and 65 of the Rules,

INVITES the Government of the Kingdom of the Netherlands to file by 1800 hours on 5 November 2014 at the latest its observations regarding the possible provisional release of the Accused *proprio motu*,

¹ “Order Terminating the Process for Provisional Release of the Accused *Proprio Motu*”, 10 July 2014.

INVITES the Government of the Republic of Serbia to file by 1800 hours on 5 November 2014 at the latest its observations regarding the possible provisional release of the Accused *proprio motu* to the territory of Serbia, notably by confirming that it will be able to guarantee that the Accused will have no contact with witnesses or victims and that he will return to the Tribunal when ordered to do so by the Chamber.

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

/signed/
Jean-Claude Antonetti
Presiding Judge

Done this fourth day of November 2014
At The Hague
The Netherlands

[Seal of the Tribunal]