



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-R77.3-A

Date: 11 January 2012

Original: English

IT-03-67-R77.3-A
A46 - A43
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IN THE APPEALS CHAMBER

Before: Judge Arlette Ramaroson, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision: 11 January 2012

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

DECISION ON VOJISLAV ŠEŠELJ'S MOTION FOR STAY OF TIME-LIMITS

AND

ORDER ON CONSOLIDATED BRIEFING SCHEDULE

Amicus Curiae Prosecutor:

Mr. Bruce MacFarlane

Mr. Vojislav Šešelj

1. I, **Arlette Ramaroson**, Judge of the Appeals 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 (“Appeals Chamber” and “Tribunal”, respectively) and Pre-Appeal Judge in this case, am seised of a letter from Vojislav Šešelj (“Šešelj”), filed on 21 November 2011 (“Request”), in which he seeks a stay of the deadlines in these appeal proceedings.

2. On 31 October 2011, the Trial Chamber rendered a judgement finding Šešelj guilty of one count of contempt of the Tribunal, and sentencing him to 18 months’ imprisonment (“Judgement”).¹ The *Amicus Curiae* Prosecutor filed a notice of appeal against the sentence imposed by the Trial Chamber on 14 November 2011,² and an appellant’s brief on 29 November 2011.³

3. In the Request, Šešelj informs the Appeals Chamber that he has requested the President of the Tribunal (“President”) to review a decision of the Registrar of the Tribunal (“Registrar”) to monitor the privileged telephone line that he uses to communicate with one of his legal associates. He also states that he intends to file a respondent’s brief and a notice of appeal of his own against the Judgement. Based on the foregoing, Šešelj requests that the Appeals Chamber stay all the deadlines in the appeal until his privileged communications with his legal associates are restored.⁴

4. The *Amicus Curiae* Prosecutor has not responded to the Request.

5. On 14 December 2011, the President denied Šešelj’s request for review of the Registrar’s decision regarding the monitoring of the privileged telephone line.⁵ The President found that the Registrar acted within the scope of his discretion in ordering the monitoring of Šešelj’s communications and showed appropriate concern for procedural fairness by offering Šešelj an opportunity to comment before commencing monitoring.⁶

6. In light of the President’s decision, I find that Šešelj has not shown good cause for a stay of the time-limits for the filings in the present appeal. Moreover, in the interests of expediting this appeal and in order to clarify the relevant time-limits for the parties, I find it appropriate to set a consolidated briefing schedule, which is set forth in the order below.

¹ *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-R77.3, Judgement (Confidential), 31 October 2011. A public redacted version of the Judgement was filed the same day.

² *Amicus Curiae* Prosecutor Notice of Appeal Against Sentence, 14 November 2011. The Bosnian/Croatian/Serbian (“B/C/S”) version was served on Šešelj on 16 November 2011. *See Procès-verbal*, 18 November 2011.

³ *Amicus Curiae* Prosecutor’s Appellant Brief on Sentence, 29 November 2011.

⁴ Request, p. 1.

7. Pursuant to Rules 54 and 77 of the Rules of Procedure and Evidence of the Tribunal, paragraphs 4 to 8 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal,⁷ and paragraph (C)(2) of the Practice Direction on the Length of Briefs and Motions,⁸ I hereby **DENY** the Request and **ORDER** as follows:

- (a) Šešelj shall file a respondent's brief (if any) of no more than 9,000 words by no later than ten days from receipt of the B/C/S translation of this decision.
- (b) The *Amicus Curiae* Prosecutor shall file a brief in reply (if any) of no more than 3,000 words by no later than four days after receipt of the English translation of Šešelj's respondent's brief.
- (c) Šešelj shall file a notice of appeal (if any) by no later than 15 days from receipt of the B/C/S translation of this decision.
- (d) Šešelj shall file an appellant's brief (if any) of no more than 9,000 words by no later than 15 days from the filing of his notice of appeal.
- (e) The *Amicus Curiae* Prosecutor shall file a respondent's brief (if any) of no more than 9,000 words by no later than ten days after the receipt of the English translation of Šešelj's appellant's brief.
- (f) Šešelj shall file a brief in reply (if any) of no more than 3,000 words by no later than four days after receipt of the B/C/S translation of the *Amicus Curiae* Prosecutor's respondent's brief.

⁵ *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, Decision on Vojislav Šešelj's Request for Review of Decision to Monitor His Privileged Communications (Confidential), 14 December 2011.

⁶ *Id.* at para. 12.

⁷ IT/155/Rev.3, 16 September 2005.

⁸ IT/184/Rev.2, 16 September 2005.

- (g) The parties shall conform their submissions to the requirements set forth in the Practice Direction on Formal Requirements for Appeals from Judgement.⁹

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

Dated this eleventh day of January 2012,
At The Hague,
The Netherlands.



Arlette Ramaroson
Pre-Appeal Judge

[Seal of the Tribunal]

⁹ IT/201, 7 March 2002.