

**UNITED
NATIONS**



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

Date: 27 April 2010

Original: English

IN TRIAL CHAMBER II

Before: Judge O-Gon Kwon, Presiding
Judge Kevin Parker
Judge Burton Hall

Acting Registrar: Mr. John Hocking

Order: 27 April 2010

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

ORDER REGARDING THE FILING OF A MOTION

Amicus Curiae Prosecutor:
Mr. Bruce MacFarlane, Q.C.

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”);

NOTING the “Motion of Professor Vojislav Šešelj for the Disqualification of Judges O-Gon Kwon and Kevin Parker” (Submission 452) submitted by Vojislav Šešelj (“Accused”) on 12 April 2010 (“Motion”);

NOTING the Practice Direction on the Procedure for the Review of Written Submissions which Contain Obscene or Otherwise Offensive Language (“Practice Direction”);¹

NOTING that the Motion makes mention of books referring to Judge Kwon and Judge Parker the titles of which, in the Trial Chamber’s view, contain offensive language that is inappropriate for submissions that are to be filed publicly before this Tribunal;

NOTING that the Motion also makes references to the title of the book which was the subject of the contempt proceedings in *Prosecutor v. Šešelj*, Case No. IT-03-67-R77.2, and which has been redacted from the Judgement of the Trial Chamber in those proceedings;²

NOTING that on page 38 the Motion refers to trial proceedings in *Prosecutor v. Šešelj*, Case No. IT-03-67-T, which were held in private session;³

CONSIDERING that it is in the interest of expediency that the Registry file the Motion as a public document after making redactions pursuant to this Order as opposed to returning it to the Accused for re-submission in the proper form;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence of the Tribunal and the Practice Direction,

HEREBY INSTRUCTS the Registry to file the Motion both confidentially without redactions and publicly with the following redactions:

- (i) all the references to the titles of the books referring to Judge Kwon and Judge Parker;

¹ Practice Direction on the Procedure for the Review of Written Submissions which Contain Obscene or Otherwise Offensive Language, 14 November 2005.

- (ii) all the references to the title of the book that was the subject of the contempt proceedings in *Prosecutor v. Šešelj*, Case No. IT-03-67-R77.2; and
- (iii) the details on page 38 of the Motion of trial proceedings in *Prosecutor v. Šešelj*, Case No. IT-03-67-T, which were held in private session.

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



Judge O-Gon Kwon
Presiding Judge

Dated this twenty-seventh day of April 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

² *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-R77.2, Public Edited Version of “Judgement on Allegations of Contempt”, 24 July 2009.

³ *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, Transcript of hearing of 24 September 2008, T. 9890.