



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 March 2011
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr John Hocking

Decision of: 4 March 2011

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON PROSECUTION MOTION FOR DISCLOSURE OF LETTER
SENT FROM PRESIDING JUDGE TO PRESIDENT OF THE TRIBUNAL**

The Office of the Prosecutor

Mr Mathias Marcussen

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”);

SEIZED of the motion filed as a public document on 26 October 2010 by the Office of the Prosecutor (“Prosecution”), in which the Prosecution asks the Chamber to disclose to the parties the letter of disqualification sent by the Presiding Judge on his own behalf to the President of the Tribunal in connection to the contempt allegations against members of the Office of the Prosecutor (“Motion”);¹

NOTING the Statute;

NOTING Rules 15 (A) and 70 of the Rules;

NOTING the oral intervention by the Presiding Judge during the public hearing of 21 September 2010, informing the parties of the request for disqualification sent to the President of the Tribunal in connection with the contempt allegations brought against members of the Office of the Prosecutor;²

NOTING the Prosecution motion filed as a public document on 26 October 2010;³

CONSIDERING that the Prosecution requests that the Chamber disclose the letter sent by the Presiding Judge to the President of the Tribunal;

CONSIDERING that the Prosecution had previously sent a letter to the Chamber seizing it of this issue; that the Prosecution subsequently withdrew its motion;

CONSIDERING, nevertheless, that the Presiding Judge himself sent a letter to the parties indicating that the letter in question was of a private nature and did not call for disclosure to the parties;

¹ “The Prosecution Motion for Disclosure of Presiding Judge’s 2010 Request for His Disqualification from Contempt Determinations”, public, 26 October 2010 (“Motion”).

² Hearing of 21 September 2010, transcripts pp. 16378-16380.

³ “The Prosecution Motion for Disclosure of Presiding Judge’s 2010 Request for his Disqualification from Contempt Determinations”, op. cit.

CONSIDERING that, notwithstanding this letter, the Prosecution seized the Trial Chamber;

CONSIDERING that the Trial Chamber does not have the authority to transmit this letter as it is a letter from a Judge addressed to the President of the Tribunal;

FOR THE FOREGOING REASONS and pursuant to Rules 15 (A) and 70 of the Rules,

REJECTS the Motion.

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

/signed/
Jean-Claude Antonetti
Presiding Judge

Done this fourth day of March 2011
At The Hague
The Netherlands

[Seal of the Tribunal]