



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: 16 June 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: 16 June 2014

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

**DECISION ON “MOTION TO INSTIGATE PROCEEDINGS AGAINST
CARLA DEL PONTE”**

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 to Instigate Proceedings against Carla del Ponte”, filed as a confidential document by Vojislav Šešelj (“Accused”) on 16 October 2013 (“Motion”), in which he requests that the President of the Tribunal instigate contempt proceedings against Carla del Ponte,¹

NOTING the “Prosecution’s Response to Motion to Instigate Proceedings against Carla del Ponte”, filed as a confidential document by the Office of the Prosecutor (“Prosecution”) on 21 October 2013 (“Response”), in which it states that the Motion should be summarily dismissed since this concerns a simple repetition of allegations presented in motions that have already been dismissed in the past,²

NOTING the “Order regarding a Motion for the Initiation of Contempt Proceedings”, rendered as a confidential document by the President of the Tribunal on 11 November 2013, in which it assigns the Motion to the Chamber,

CONSIDERING that Article (4) (a) of the Statute of the international Mechanism, which is called upon to carry out the residual work of the criminal tribunals (“Mechanism”), provides that the Mechanism has the power to prosecute “any person who knowingly and wilfully interferes or has interfered with the administration of justice by the Mechanism or the Tribunals, and to hold such person in contempt”,

CONSIDERING that Article 4 (2) of the Transitional Arrangements in the annex to Resolution 1966 adopted by the United Nations Security Council on 22 December 2010 (“Resolution 1966”) states that the Mechanism “shall have competence to conduct, and complete, all appellate proceedings for contempt of court and false testimony and false testimony for which the indictment is confirmed on or after the commencement date of the respective branch of the Mechanism”,

¹ Motion, p. 12.

² Response, paras 1 and 2.

CONSIDERING that the branch of the Mechanism responsible for the residual work of the Tribunal (“Branch”) commenced functioning on 1 July 2013,³

CONSIDERING that to the extent that the Motion was filed after the Branch commenced functioning, the Chamber is not competent to examine the Motion,⁴

FOR THE FOREGOING REASONS

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence and Resolution 1966,

DECLARES the Motion inadmissible,

REFERS the Motion to the President of the Tribunal to decide on the appropriate course to take.

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

 /signed/
Jean-Claude Antonetti
Presiding Judge

Done this sixteenth day of June 2014
At The Hague
The Netherlands

[Seal of the Tribunal]

³ Resolution 1966, para. 1.

⁴ See also, *The Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T and IT-02-54-T, “Decision on Jurisdiction Following the Assignment of a Specially Appointed Chamber”, 18 October 2013.