



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: 3 July 2014

Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti, Presiding  
Judge Mandiaye Niang  
Judge Flavia Lattanzi

**Registrar:** Mr John Hocking

**Order of:** 3 July 2014

**THE PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

***PUBLIC***

---

**ORDER INVITING THE ACCUSED TO STATE HIS COMMITMENT TO  
RESPECT GUARANTEES OF HIS POSSIBLE PROVISIONAL RELEASE  
*PROPRIO MOTU***

---

**The Office of the Prosecutor**

Mr Serge Brammertz  
Mr Mathias Marcussen

**The Accused**

Mr Vojislav Šešelj

**TRIAL CHAMBER III** 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 (“Chamber” and “Tribunal”, respectively),

***PROPRIO MOTU,***

**NOTING** the Chamber’s Order of 13 June 2014 inviting the parties to make submissions on the possible provisional release of the Accused Vojislav Šešelj (“Accused”) *proprio motu*,<sup>1</sup>

**NOTING** the Accused’s submission of 17 June 2014, wherein he indicates notably that he rejects any guarantee that may be provided by the government of the Republic of Serbia,<sup>2</sup>

**NOTING** the submission of the Office of the Prosecutor (“Prosecution”) of 20 June 2014, wherein the Prosecution recalls the need to respect the conditions stipulated under Rule 65 (B) of the Rules of Procedure and Evidence (“Rules”) in the event the Chamber decides to put the Accused on provisional release,<sup>3</sup>

**NOTING** the Chamber’s Order of 24 June 2014 inviting the government of the Kingdom of the Netherlands and the government of the Republic of Serbia to present their comments with regard to guarantees for a possible provisional release of the Accused *proprio motu*,<sup>4</sup>

---

<sup>1</sup> *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, “Order Inviting the Parties to Make Submissions on Possible Provisional Release of the Accused *Proprio Motu*”, 13 June 2014 (public).

<sup>2</sup> *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, “Professor Vojislav Šešelj’s Response to the Order of Trial Chamber III of 13 June 2014 Inviting the Parties to Make Submissions on Possible Provisional Release of the Accused *Proprio Motu*”, 17 June 2014 (public).

<sup>3</sup> *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, “Prosecution Submission on Trial Chamber’s *Proprio Motu* Provisional Release of the Accused”, 20 June 2014 (public), para. 3.

<sup>4</sup> *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, “Order Inviting the Host Country and Receiving State to Present Their Comments With Regard to a Possible Provisional Release of the Accused *Proprio Motu*”, 24 June 2014 (public).

**NOTING** the confidential responses of 2 July 2014 from the Government of the Republic of Serbia<sup>5</sup> and the Ministry of Foreign Affairs of the Kingdom of the Netherlands,<sup>6</sup>

**CONSIDERING** that the Government of the Republic of Serbia has declared itself ready to provide the guarantees requested by the Chamber if the Accused formally commits to respect the said conditions,

**FOR THE FOREGOING REASONS**, the Chamber,

**PURSUANT TO** Rules 54 and 65 (B) of the Rules,

**REQUESTS** that the Accused state his commitment, in writing and signed by hand, to respect the following conditions which would accompany his possible provisional release:

- to place himself under the supervision of the authorities of the Republic of Serbia beginning with his release at the airport in the Netherlands and until his return, subject to the conditions defined hereafter:
- to remain under home confinement, at an address to be disclosed to the Chamber by the Serbian authorities, for the duration of the provisional release and under the supervision of the Serbian authorities, who will escort the Accused when travelling for medical treatment;
- to surrender his passport to the Serbian authorities;
- not to contact any victims or witnesses or seek to influence them in any manner whatsoever;
- not to interfere in any way whatsoever with the proceedings or with the administration of justice, and not to discuss his case before the Tribunal except with members of his legal team;

---

<sup>5</sup> Correspondence from State re-Mr Šešelj provisional release, submitted by State representatives on 2 July 2014 (confidential).

<sup>6</sup> Correspondence from Host Country re-Mr Šešelj provisional release, submitted by State representatives on 2 July 2014, 2 July 2014 (confidential).

- to comply strictly with any requirements of the authorities of the Republic of Serbia to enable them to fulfil the obligations placed on them by the decision on provisional release;
- to return to the Tribunal on the date indicated by the Chamber;
- to comply strictly with any order of the Chamber varying the conditions of, or terminating the provisional release,

**GIVES** the Accused three days in which to reply to the present Order, counting from receipt of its translation into BCS.

Presiding Judge Antonetti attaches a separate opinion.

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

/signed/  
Jean-Claude Antonetti  
Presiding Judge

Done this third day of July 2014  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**