

*The Belgrade-based Defense Committee of Dr. Vojislav Seselj urgently asks for the support of the following petition\*\*\*:*

To:

**Judge Patrick Lipton Robinson, President 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 (ICTY)**

**Judge Jean-Claude Antonetti, Judge Frederick Harhoff, Judge Flavia Lattanzi, Trial Chamber III of the ICTY**

**PETITION  
FOR THE RELEASE OF DR. VOJISLAV Seselj**

Vojislav Seselj, LLD, President of the Serbian Radical Party, has been in the detention of the International Criminal Tribunal for the Former Yugoslavia (ICTY) for eight years now. After an indictment was issued by the Prosecutor's Office on January 15, 2003, he went to the Hague Tribunal of his own free will on February 24, 2003. The Prosecutor of the Hague Tribunal at that time, Ms. Carla del Ponte, wrote in her book that the indictment was issued at the request of authorities in Belgrade. According to her, during their meeting on February 17, 2003, Mr. Zoran Djindjic, the then Prime Minister of the Republic of Serbia, told her: "As far as Vojislav Seselj is concerned, we have only one request – take him away, never to bring him back again!" In that way, Vojislav Seselj became the only accused before the Hague Tribunal who was an opposition leader during the conflicts in the former SFR Yugoslavia. He is being tried because of his ideology, his political views, and allegedly because of a verbal injury that does not exist at all.

Since that time, all legal and human rights of Dr. Seselj have been violated: the right to life, the right to a fair trial, the right to a trial within a reasonable time limit, the right to conduct his own defense, the right to being informed of all aspects of the charges against him, and the rights to free communication and to receive visitors.

The Prosecution does not dispose of any evidence against Vojislav Seselj, which is confirmed by the fact that the indictment has been changed five times; the last time being on December 7, 2007, after the trial was already underway. For four long years, the Prosecution insisted on the imposition of counsel on Dr Vojislav Seselj. The first attempt to start the trial in November 2006 was canceled due to the obvious violation of all of the defendant's rights, and it is for this reason that the trial only resumed on November 7, 2007.

One of the inviolable rights guaranteed by contemporary criminal law is the right to defense, according to which an accused person can choose how his defense will be conducted. On several occasions, against his will, Vojislav Seselj was assigned stand-by counsels who were ready to take over his defense. At the very beginning, the Prosecutor's Office proposed and the Trial Chamber accepted the imposition of counsel, thereby violating international law. After nearly four years in detention, Vojislav Seselj felt compelled to start a hunger strike on November 10, 2006 in order to defend his human and legal rights, as guaranteed by all international conventions. Vojislav Seselj brought his dramatic hunger strike, during which he

approached the verge of death, to a halt only after his requirements regarding basic human and legal procedural rights had been met.

In the course of this marathon trial, running to a length unrecorded in the history of court annals, four pretrial judges have been replaced, and the trial itself was interrupted and resumed on several occasions. Many times, Dr. Seselj was denied communication with the outside world, including with his legal counsel and members of his family. It is a striking fact that the trial only began after Dr. Seselj had already spent four years in detention. An answer to the question regarding the violation of his right to an expeditious trial has not been given. Even the presiding judge, Jean-Claude Antonetti, said that the duration of the trial against Seselj has beaten the world record.

The Prosecution has failed to prove any count of the indictment. For almost a whole year, a decision on the application of the Rule 98bis of the Rules of Procedure and Evidence has been postponed. Instead, it persistently and unnecessarily misses all deadlines. The trial against Dr. Seselj is the most striking example of the abuse of process and the violation of a defendant's rights to an expeditious and fair trial. Judges agree that this trial has beaten the world record not only in regard to duration of detention, but in regard to the violation of the right to a fair trial. It is clear that this is a political process.

Freedom for Dr. Vojislav Seselj is an issue of civilization and the measure of humanity. We the undersigned demand that the ICTY stop violating legal norms and the human rights of Dr. Vojislav Seselj, and to pronounce his acquittal because the Prosecution has failed to prove any counts of the indictment and due to the brutal violation of his right to an expeditious trial.

January, 2011

**\*\*\* Background: The hearing sessions on the Request of Vojislav Seselj to be acquitted in accordance with the Rule 98bis of the Rules of Procedure and Evidence will be held on March 7 and 8, 2011. According to the rules of the Tribunal, the Pre-Trial Chamber can either refute the Indictment as a whole or in parts, or the members of the Chamber can estimate that prosecutors have presented enough evidence against Seselj for all counts of the Indictment.**

**If Seselj is not acquitted, the trial will continue with the defense case.**

**At the latest administrative conference, the presiding Judge, Mr. Jean-Claude Antonetti, stated that the trial Chamber will make decisions on Seselj's Request for Acquittal a few weeks after hearing the arguments of both parties at the beginning of March.**

**At the same administrative conference, Professor Seselj pointed out that the Trial Chamber must vote for acquittal even if its members decide according to the standards that are most favorable for prosecutors, because they have not provided evidence for any of the charges against him.**