

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: 2 June 2011

IN TRIAL CHAMBER II

Before: Judge O-Gon Kwon, presiding
Judge Burton Hall
Judge Howard Morrison

Registrar: Mr. John Hocking

PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

NOTICE CONCERNING TRIAL PROCEDURE

Amicus Curiae Prosecutor

Mr. Bruce A. MacFarlane, Q.C.

The Accused

Mr. Vojislav Šešelj

The Office of the Prosecutor

Mr. Norman Farrell

1. The *Amicus Curiae* Prosecutor (“**Amicus Prosecutor**”) wishes to provide advance notice to the Chamber and the Accused with respect to two issues. First, in the event that the defence evidence proposed by the accused in his Rule 65*ter* motion,¹ or any portion of it, is actually tendered, the *Amicus* Prosecutor will object to its admission on the basis that the evidence is irrelevant to any of the facts in issue as defined by this Chamber in the order in lieu of indictment.² The basis for, and rationale underlying this position will be outlined to the Chamber at the continuation of the trial on 6 June 2011. Second, if the evidence, or any portion, is ruled admissible, the *Amicus* Prosecutor may need to seek a deferral or continuation of the trial in order to discharge any disclosure obligations that may rest upon the prosecution in respect of evidence that will be tendered to meet this defence evidence – namely, *viva voce* rebuttal evidence from a number of identified witnesses, and documentary evidence which has been tendered confidentially in other proceedings for which authorization is presently being sought from appropriate Chambers to use at this trial, should that prove necessary.

Word Count: 267

ALL OF WHICH IS RESPECTFULLY SUBMITTED,



Bruce A. MacFarlane, Q.C.
Amicus Curiae Prosecutor

Dated this second day of June 2011
in The Hague, The Netherlands

¹ *Prosecutor v. Vojislav Šešelj*, IT-03-67-R77.3, Professor Vojislav Šešelj Rule 65*ter* Motion, 23 December 2010 (filed confidentially).

² *Prosecutor v. Vojislav Šešelj*, IT-03-67-R77.3, Second Decision on Prosecution’s Motion under Rule 77 concerning further breaches of Protective Measures (Three Books), 3 February 2010.