



The Mechanism for International Criminal Tribunals (“MICT” or “Mechanism”) was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda (“ICTR”) and the International Criminal Tribunal for the former Yugoslavia (“ICTY”) after the completion of their respective mandates.

## CASE INFORMATION SHEET

On 31 March 2016, an ICTY Trial Chamber issued its Judgement in the case of Vojislav Šešelj. Pursuant to Article 2(2) of the Transitional Arrangements, the Mechanism has competence over appellate proceedings originating from ICTY cases for which the notice of appeal is filed on or after 1 July 2013.

**MICT-16-99**

# VOJISLAV ŠEŠELJ



In February 1991, Vojislav Šešelj was appointed President of the newly founded Serbian Radical Party. In June 1991, he was elected as a member of the Assembly of the Republic of Serbia.

<b>Indictment</b>	Initial indictment filed on 15 January 2003. Operational indictment filed on 7 December 2007.
<b>Transfer to the ICTY</b>	Surrendered on 23 February 2003. Transferred on 24 February 2003.
<b>ICTY Trial Chamber Judgement</b>	Delivered on 31 March 2016. The Trial Chamber acquitted Vojislav Šešelj of three counts of crimes against humanity and six counts of violations of the laws or customs of war.
<b>MICT Appeals Chamber</b>	Judge Theodor Meron (Presiding) Judge Lee G. Muthoga Judge Florence Rita Arrey Judge Ben Emmerson Judge Ivo Nelson de Caires Batista Rosa
<b>MICT Appeals Chamber Judgement</b>	Delivered on 11 April 2018. The Appeals Chamber reversed Vojislav Šešelj’s acquittals, in part, and dismissed the remainder of the Prosecution’s appeal. The Appeals Chamber convicted Šešelj for instigating deportation, persecution and other inhumane acts as crimes against humanity, as well as for committing persecution, based on a violation of the right to security, as a crime against humanity. The Appeals Chamber sentenced Šešelj to 10 years of imprisonment.
<b>Status of the Case</b>	Completed.



## APPEALS PROCEEDINGS

On 2 May 2016, the Prosecution filed its notice of appeal against the ICTY Trial Judgement.

On 29 August 2016, the Prosecution filed a public redacted version of its appeal brief (filed confidentially on 18 July 2016).

On 19 December 2016, Vojislav Šešelj submitted his respondent's brief in Bosnian/Croatian/Serbian ("B/C/S"). The official translation of the Respondent's brief into one of the working languages of the Mechanism was filed on 7 February 2017. The Prosecution filed its reply brief on 22 February 2017.

On 18 September 2017, the MICT Appeals Chamber issued an order inviting Šešelj to clarify whether or not he maintained his earlier stated position not to attend the appeal hearing, and warning him that, if he chose not to attend, the Registrar would be instructed to assign a standby counsel.

On 11 October 2017, following Šešelj's refusal to respond to the order within the given 10-day deadline, the Appeals Chamber instructed the Registrar to assign a standby counsel, with a mandate strictly limited to ensuring that Šešelj's procedural rights at the appeal hearing would be protected in the event that he did not appear for the hearing.

On 17 October 2017, the Appeals Chamber scheduled the appeal hearing for 13 December 2017. In doing so, the Appeals Chamber informed the parties that, should Šešelj not participate in the hearing, his response in writing to the Prosecution's oral arguments would be due within 10 days of receiving the B/C/S transcript of the hearing, and that the Prosecution may file a reply within five days of receiving the English translation of Šešelj's response.

On 19 October 2017, in accordance with the Appeals Chamber's decision of 11 October 2017, the Registrar assigned Colleen Rohan as standby counsel to Šešelj.

On 13 December 2017, the Appeals Chamber heard oral arguments in the appeal filed by the Prosecution. Since Šešelj did not appear for the appeal hearing, standby counsel was present at the hearing to protect his procedural interests.

On 25 December 2017, Šešelj confirmed receipt of the B/C/S transcript of the appeal hearing.

On 11 April 2018, the Appeals Chamber rendered the Appeal Judgement and reversed Šešelj's acquittals, in part, entering convictions against Šešelj under Counts 1, 10 and 11 of the indictment for instigating deportation, persecution (forcible displacement), and other inhumane acts (forcible transfers) as crimes against humanity, as well as for committing persecution, based on a violation of the right to security, as a crime against humanity. The Appeals Chamber found that the Trial Chamber erred in not holding Šešelj criminally responsible for a speech he gave in Hrtkovci, Vojvodina (Serbia) on 6 May 1992, calling for the expulsion of the non-Serbian population. In addition, the Appeals Chamber reversed the Trial Chamber's finding that there was no widespread or systematic attack against the non-Serbian civilian population in Croatia and in Bosnia and Herzegovina. The Appeals Chamber also determined that the crimes committed in Hrtkovci, Vojvodina, were part of the wider attack in Croatia and Bosnia and Herzegovina.

The Appeals Chamber sentenced Šešelj to 10 years of imprisonment. The sentence was declared served in view of the credit to which Šešelj was entitled under the Rules of Procedure and Evidence for the time he spent in detention in custody of the ICTY pending trial.

## CASE BACKGROUND INFORMATION

### INDICTMENT

Vojislav Šešelj was charged before the ICTY with three counts of [crimes against humanity](#) and six counts of [violations of the laws or customs of war](#) committed during the period from August 1991 until September 1993.

The indictment alleged that Šešelj planned, ordered, instigated, committed, including through his participation in a joint criminal enterprise ("JCE"), or otherwise aided and abetted in the planning, preparation or execution of these

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crimes. The indictment alleged that the purpose of the JCE was the permanent forcible removal of a majority of the Croat, Muslim and other non-Serb civilian populations from parts of Croatia, Bosnia and Herzegovina and the province of Vojvodina in the Republic of Serbia.

### Three counts of crimes against humanity

- Persecutions on political, racial or religious grounds (Count 1)
- Deportation, inhumane acts (forcible transfer) (Counts 10 and 11)

### Six counts of violations of the laws or customs of war

- Murder (Count 4)
- Torture and cruel treatment (Counts 8 and 9)
- Wanton destruction, destruction or willful damage done to institutions dedicated to religion or education, plunder of public or private property (Counts 12, 13 and 14)\*

\* Counts 2, 3, 5, 6 and 7 were removed from the initial indictment.

## ICTY TRIAL CHAMBER JUDGEMENT

On 31 March 2016, Trial Chamber III of the ICTY acquitted Šešelj of all charges of the indictment, with a majority decision on eight counts and a unanimous decision on one count.

The Trial Chamber, by majority, found that the Prosecutor had failed to prove the existence of a JCE. In relation to the allegations that, in his speeches, Šešelj incited the commission of crimes, for some of those speeches, the Trial Chamber, by majority, could not rule out the reasonable possibility that they were made in a context of conflict and were meant to boost the morale of the troops of his camp, rather than calling upon the troops to spare no one. The Chamber, by majority, found that other speeches delivered by Šešelj constituted clear appeals for the expulsion and forcible transfer of Croats. However, the Chamber, by majority, found that the Prosecutor had failed to prove a causal link between the speeches and the commission of the crimes.

Start of ICTY Trial	7 November 2007*			
Prosecution Case	Started	7 November 2007	Closed	13 January 2010
Closing Arguments	Started	5 March 2012	Closed	20 March 2012
ICTY Trial Chamber Judgement	31 March 2016		Verdict	Acquittal

## STATISTICS

ICTY trial days	175						
Total exhibits admitted at trial	1,399	Prosecution	1,367	Defence	6	Chamber	26
Total witnesses called at trial	99	Prosecution	90	Defence	0**	Chamber	9

\* The trial first started on 27 November 2006. A restart of the trial was ordered by the ICTY Appeals Chamber on 8 December 2006.

\*\* There was no Defence case.

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