

United Nations  
Nations UniesInternational Criminal Tribunal  
for the former Yugoslavia  
Tribunal Pénal International  
pour l'ex-Yougoslavie

(IT-03-67)

# VOJISLAV ŠEŠELJ



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*Indicted for murder, inhumane acts, persecutions on political, racial or religious grounds, extermination, attacks on civilians*

Prominent political figure in the former Yugoslavia: President of the Serbian Radical Party (SRS) of Serbia and Montenegro

*Crimes indicted for (examples):*

Persecutions on political, racial or religious grounds, extermination, murder, imprisonment, torture, inhumane acts, deportation, inhumane acts (forcible transfer) (crimes against humanity)

Murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property (violations of the laws or customs of war)

From on or about 1 August 1991 until at least September 1993, Vojislav Šešelj, acting individually or in concert with known and unknown members of the joint criminal enterprise, planned, ordered, instigated, committed or otherwise aided and abetted in the planning, preparation or execution of persecutions of Croat, Muslim and other non-Serb civilian populations in the territories which were referred to by the Serb authorities as the "Serbian Autonomous Region (SAO) Krajina", "SAO Western Slavonia" and "SAO Slavonia, Baranja and Western Srem", or collectively, as the "Republic of Serbian Krajina" (RSK), as well as the "Dubrovnik Republic", the municipalities of Bosanski Šamac, Zvornik, "Greater Sarajevo" (municipalities of Ilijaš, Vogošća, Novo Sarajevo, Ilidža and Rajlovac), Bijeljina, Mostar, Nevesinje and Brčko in Bosnia and Herzegovina, as well as parts of Vojvodina in Serbia. These persecutions were committed on political, racial and religious grounds and included:

- The extermination or murder of many Croat, Muslim and other non-Serb civilians, including women and elderly persons, in the municipality of Vukovar and the villages of Voćin, Hum, Bokane and Krasković in Croatia, in the municipalities of Bosanski Šamac, Zvornik, "Greater Sarajevo", Bijeljina, Mostar and Nevesinje in Bosnia and Herzegovina in Bosnia and Herzegovina;
- The prolonged and routine imprisonment and confinement of Croat, Muslim and other non-Serb civilians in the detention facilities within Croatia and Bosnia and Herzegovina, including prison camps in Vukovar, in and near Voćin, and in Bosanski Šamac, Zvornik, "Greater Sarajevo", Bijeljina, Mostar, Nevesinje and Brčko in Bosnia and Herzegovina;
- The establishment and perpetuation of inhumane living conditions for Croat, Muslim and other non-Serb civilian detainees within the detention facilities;
- The repeated torture, beatings and killings of Croat, Muslim and other non-Serb civilian detainees in the detention facilities;
- The prolonged and frequent forced labour of Croat, Muslim and other non-Serb civilians detained in the detention facilities or under house arrest in their respective homes in Vukovar, Vocin, Bosanski Šamac,

Zvornik, "Greater Sarajevo", Bijeljina, Mostar and Brčko. The forced labour included digging of graves, loading of ammunition for the Serb forces, digging of trenches and other forms of manual labour at the frontlines;

- The sexual assaults of Croat, Muslim and other non-Serb civilians by Serb soldiers during capture and in the detention facilities;
- The imposing of restrictive and discriminatory measures against the Croat, Muslim and other non-Serb civilian populations, including persons in Voćin in Croatia and Bosanski Šamac, Zvornik, "Greater Sarajevo", Bijeljina, Mostar and Nevesinje in Bosnia and Herzegovina, and in parts of Vojvodina, Serbia, such as restriction of movement, removal from positions of authority in local government institutions and the police, dismissal from jobs, denial of medical care, and arbitrary searches of homes;
- The torture, beating and robbing of Croat, Muslim and other non-Serb civilians;
- The deportation or forcible transfer of tens of thousands of Croat, Muslim and other non-Serb civilians from the territories as specified above, and from parts of Vojvodina, Serbia;
- The deliberate destruction of homes, other public and private property, cultural institutions, historic monuments and sacred sites of the Croat, Muslim and other non-Serb civilian populations in the municipality of Vukovar and in Voćin, in Croatia, and in the municipalities of Bosanski Šamac, Zvornik, "Greater Sarajevo", Bijeljina, Mostar and Nevesinje in Bosnia and Herzegovina;
- The direct and public denigration through "hate speech" of the Croat, Muslim and other non-Serb populations in Vukovar, Zvornik and Hrtkovci on the basis of their ethnicities.

Born	11 October 1954 in Sarajevo, Bosnia and Herzegovina
Indictment	Initial: 14 February 2003; amended: 27 May 2005; modified amended: 15 July 2005
Surrendered	23 February 2003
Transferred to ICTY	24 February 2003
Initial and further appearances	26 February 2003, did not enter a plea; 25 March 2003, pleaded not guilty to all charges

## STATISTICS

Trial Chamber III	Judge Patrick Robinson (presiding), Judge Jean-Claude Antonetti and Iain Bony
Pre-trial judge	Judge Jean-Claude Antonetti
Counsel for the Prosecution	Christine Dahl, Daniel Saxon, Ulrich Müssemer, Melissa Pack
Counsel for the Defence	self-representation
Assigned counsel to the accused	David Hooper and Andreas O'Shea

RELATED CASES <i>by geographical area</i>	
BABIĆ (IT-03-72)	
DOKMANOVIĆ (IT-95-13A) "VUKOVAR HOSPITAL"	
GALIĆ (IT-98-29) "SARAJEVO"	
HADŽIĆ (IT-04-75)	
KARADŽIĆ & MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"	
MARTIĆ (IT-95-11) "RSK"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA AND BOSNIA"	
MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
MRKSIĆ <i>et al.</i> (IT-95-13/1) "VUKOVAR HOSPITAL"	
NALETILIĆ AND MARTINOVIĆ (IT-98-34) "TUTA AND ŠTELA"	
PERIŠIĆ (IT-04-81)	
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"	
PRLIĆ <i>et al.</i> (IT-04-74)	
SIMIĆ <i>et al.</i> (IT-95-9) "BOSANSKI ŠAMAC"	
SIMIĆ MILAN (IT-95-9/2) "BOSANSKI ŠAMAC"	
STANIŠIĆ & SIMATOVIĆ (IT-03-69)	
STANIŠIĆ MICO (IT-04-79)	
TODOROVIĆ (IT-95-9/1) "BOSANSKI ŠAMAC"	

## INDICTMENT AND CHARGES

An initial indictment against Vojislav Šešelj was confirmed by Judge O-Gon Kwon on 14 February 2003. On 1 November 2004 the Prosecution filed a proposed amended indictment which was confirmed by the Trial Chamber on its decision of the 27 May 2005 (Decision on Prosecution's Motion for leave to amend the Indictment). On the same date the Trial Chamber ordered the Prosecution to file a corrigendum to the amended indictment. The corrigendum was filed by the Prosecution on 7 July 2005. On 8 July 2005 the Trial Chamber granted the corrigendum in part and ordered to file a modified amended indictment that was filed by the Prosecution on 15 July 2005.

The modified amended indictment generally alleges that, in June 1990, Vojislav Šešelj founded the Serbian National Renewal Party, subsequently renamed the Serbian Chetnik Movement. After the elections of December 1990 the authorities of the Socialist Federal Republic of Yugoslavia (SFRY) banned the Serbian Chetnik Movement. On 23 February 1991, Vojislav Šešelj was appointed President of the newly founded Serbian Radical Party (SRS). In June 1991, he was elected member of the Assembly of the Republic of Serbia. In almost daily rallies and election campaigns, he called for Serb unity and war against Serbia's "historic enemies", namely the ethnic Croat, Muslim and Albanian populations within the territories of the former Yugoslavia.

Vojislav Šešelj is alleged to have participated in a joint criminal enterprise (JCE) and that the purpose of this JCE was the permanent forcible removal, through the commission of crimes, of a majority of the Croat, Muslim and other non-Serb populations from approximately one-third of the territory of Croatia and large parts of Bosnia and Herzegovina, and from parts of Vojvodina, in Serbia, in order to make these areas part of a new Serb-dominated state. With respect to Croatia the areas included those regions that were referred to by Serb authorities as the "SAO Krajina" (i.e. the Serb Autonomous Region of Krajina), the "SAO Western Slavonia", and the "SAO Slavonia, Baranja and Western Srem" (after 19 December 1991, the "SAO Krajina" became known as the RSK ("Republic of Serbian Krajina"); on 26 February 1992, the "SAO Western Slavonia" and the "SAO Slavonia, Baranja and Western Srem" joined the RSK), as well as the "Dubrovnik Republic /Dubrovačka republika/". With respect to Bosnia and Herzegovina, the areas included Bosanski Šamac, Zvornik, five municipalities collectively known as "Greater Sarajevo" (Ilijaš, Vogošća, Novo Sarajevo, Ilidža and Rajlovac), Bijeljina, Mostar, Nevesinje and Brčko.

The JCE came into existence before 1 August 1991 and continued at least until December 1995. Vojislav Šešelj participated in the joint criminal enterprise until September 1993 when he had a conflict with Slobodan Milošević. Vojislav Šešelj worked in concert with several individuals in the joint criminal enterprise to succeed in its objective. Each participant or co-perpetrator within the joint criminal enterprise played his or her role or roles that significantly contributed to the objective of the enterprise. Other individuals participating in this joint criminal enterprise included Slobodan Milošević, Veljko Kadijević, Blagoje Adžić, Ratko Mladić, Jovica Stanišić, Franko Simatović also known as "Frenki", Radovan Stojičić, also known as "Badža", Milan Martić, Goran Hadžić, Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Željko Ražnjatović, also known as "Arkan" and other members of the Yugoslav People's Army (JNA), later the Yugoslav Army (VJ), the newly-formed Serb Territorial Defence (TO) of Croatia and of Bosnia and Herzegovina, the army of the Republika Srpska Krajina (SVK) and the army of the Republika Srpska (VRS), and the TOs of Serbia and of Montenegro, local Serb, Republic of Serbia and Republika Srpska police forces (MUP forces), including the State Security (DB) Branch of the Ministry of Interior of the Republic of Serbia, and Serb special police forces of the SAO Krajina and the RSK commonly referred to as "Martić's Police", "Martićevci", "SAO Krajina Police" or "SAO Krajina Milicija" and members of Serbian, Montenegrin, Bosnian and Croatian Serb paramilitary forces and volunteer units including "Chetniks", or "Šešeljevci" (translated into English as "Šešelj's men") and other political figures from the (S)FRY, the Republic of Serbia, the Republic of Montenegro and the Bosnian and Croatian Serb leadership.

Vojislav Šešelj, as President of the Serbian Radical Party (SRS), was a prominent political figure in the SFRY/FRY in the time period relevant to this Indictment. He is alleged to have propagated a policy of uniting "all Serbian lands" in a homogeneous Serbian state. He defined the so-called Karlobag-Ogulin-Karlovac-Virovitica line as the western border of this new Serbian state which he referred to as "Greater Serbia" and which included Serbia, Montenegro, Macedonia and considerable parts of Croatia and Bosnia and Herzegovina.

Acting alone and in concert with other members of the joint criminal enterprise, Vojislav Šešelj, is alleged to have participated in the recruitment, formation, financing, supply, support and direction of Serbian volunteers connected to the SRS, commonly known as "Chetniks", or "Šešeljevci". He made inflammatory speeches in the media, during public events, and during visits to the volunteer units and other Serb forces

in Croatia and Bosnia and Herzegovina, instigating those forces to commit crimes. He espoused and encouraged the creation of a homogeneous "Greater Serbia" by violence, and thereby participated in war propaganda and incitement of hatred towards non-Serb people. In public speeches he called for the expulsion of Croat civilians from parts of the Vojvodina region in Serbia and thus instigated his followers and the local authorities to engage in a persecution campaign against the local Croat population. He participated in the planning and preparation of the take-over of villages in two SAOs in Croatia and in the municipalities of Bosanski Šamac, Zvornik, "Greater Sarajevo", Bijeljina, Mostar, Nevesinje and Brčko in Bosnia and Herzegovina and the subsequent forcible removal of the majority of the non-Serb population from these areas. He participated in the provision of financial, material, logistical and political support necessary for such take-overs. He obtained this support, with the help of Slobodan Milošević, from the Serbian authorities and from Serbs living abroad where he collected funds to support the aim of the joint criminal enterprise. He recruited Serbian volunteers connected to the SRS and indoctrinated them with his extreme ethnic rhetoric so that they engaged in the forcible removal of the non-Serb population in the targeted territories through the commission of crimes as specified in this indictment with particular violence and brutality.

Vojislav Šešelj is charged on the basis of individual criminal responsibility (Article 7(1) of the Statute) with:

- Persecutions on political, racial or religious grounds, extermination, murder, imprisonment, torture, inhumane acts, deportation, inhumane acts (forcible transfer) (crimes against humanity, Article 5) and
- Murder, torture, cruel treatment, wanton destruction of villages, or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property (violations of the laws or customs of war, Article 3).

## THE TRIAL

The trial commenced on 27 November 2006, in the absence of the accused, who had been on a hunger-strike since 10 November and refused to appear in court.

In light of this situation, the Trial Chamber issued an order terminating the self-representation status of the accused and assigning counsel again to conduct his defence. Leave to appeal the decision on imposed counsel was granted on 5 December 2006, and the Appeals Chamber's decision is pending.

The Prosecution made its opening statement on 27 and 28 December 2006.

On 1 December 2006, in light of the medical situation of the accused, the Trial Chamber ordered an adjournment of the trial upon further notice.

On 6 December 2006, the Trial Chamber ordered the Dutch authorities to provide medical services with the aim of protecting the health and welfare of the accused and to avoid loss of life.

On 8 December 2006, the Appeals Chamber "nullifie[d] the opening of the proceedings in this case and order[ed] that the trial restart" when Vojislav Šešelj "is fully able to participate in proceeding as a self-represented accused."