

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-23-129-I

Date: 11 August 2023

Original: English

---

**BEFORE A SINGLE JUDGE**

**Before:** Judge Liu Daqun  
**Registrar:** Mr. Abubacarr M. Tambaou  
**Decision of:** 11 August 2023

**PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ  
MILJAN DAMJANOVIĆ  
MIROLJUB IGNJATOVIĆ  
LJILJANA MIHAJLOVIĆ  
OGNJEN MIHAJLOVIĆ**

***CONFIDENTIAL AND EX PARTE***

---

**DECISION ON CONFIRMATION OF INDICTMENT**

---

**The Office of the Prosecutor:**

Mr. Serge Brammertz  
Mr. Mathias Marcussen

I, **LIU DAQUN**, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;<sup>1</sup>

**BEING SEISED OF** a confidential and *ex parte* submission, dated 8 May 2023, in which the Office of the Prosecutor of the Mechanism (“Prosecution”) requests, pursuant to Rule 48 of the Rules of Procedure and Evidence of the Mechanism (“Rules”), confirmation of an indictment charging Vojislav Šešelj, Miljan Damjanović, Miroljub Ignjatović, Ljiljana Mihajlović, and Ognjen Mihajlović with one count of contempt of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) and the Mechanism;<sup>2</sup>

**NOTING** that, on 14 July 2023, the Prosecution was invited, through a strictly confidential and *ex parte* internal memorandum, to address additional matters in relation to the proposed indictment;

**NOTING** that, on 19 July 2023, the Prosecution addressed the additional matters through a strictly confidential and *ex parte* memorandum;

**HAVING HEARD** the Prosecution during an *in camera* hearing that was held, pursuant to Rule 48(D) of the Rules, on 20 July 2023;

**NOTING** that, on 24 July 2023, the Prosecution submitted for confirmation a revised indictment with five annexes, addressing concerns raised during the *in camera* hearing, and sought the issuance of related orders;<sup>3</sup>

**RECALLING** that, pursuant to Article 17(1) of the Statute of the Mechanism (“Statute”), the Single Judge designated to review an indictment shall confirm the indictment if satisfied that a *prima facie* case has been established by the Prosecution;<sup>4</sup>

**CONSIDERING** that the supporting material submitted by the Prosecution establishes a *prima facie* case against Vojislav Šešelj, Miljan Damjanović, Miroljub Ignjatović, Ljiljana Mihajlović, and Ognjen Mihajlović for contempt of the ICTY and the Mechanism, pursuant to Article 1(4)(a) of the Statute and Rule 90 of the Rules, as alleged under Count 1 of the Indictment;

---

<sup>1</sup> Order Assigning a Single Judge, 31 May 2023 (confidential and *ex parte*), p. 1.

<sup>2</sup> Submission of Indictment and Supporting Material for Review and Request for Related Orders, 8 May 2023 (strictly confidential and *ex parte* with strictly confidential and *ex parte* Appendices 1-6), paras. 1, 3, 12(a), Appendix 1.

<sup>3</sup> Submission of Modified Indictment for Review and Request for Related Orders, 24 July 2023 (strictly confidential and *ex parte* with strictly confidential and *ex parte* Appendices 1, 2 and 3) (“Further Submission”), paras. 6, 14, Appendix 1, containing the proposed indictment with Annexes 1 through 5 (collectively, “Indictment”).

<sup>4</sup> See also Rule 48(E) and (F) of the Rules.

**NOTING FURTHER** the Prosecution's request for the issuance of a confidentiality order in relation to Annexes 1 through 4 of the Indictment;<sup>5</sup>

**CONSIDERING** that, upon filing the Indictment, the Prosecution may designate Annexes 1 through 4 thereof as confidential, thus rendering the issuance of a separate order to this effect unnecessary;

**PURSUANT** to Article 17 of the Statute and Rules 48(F), 53, and 55 of the Rules,

**HEREBY CONFIRM** the Indictment;

**INSTRUCT** the Prosecution to file the Indictment, designating Annexes 1 through 4 thereof as confidential;

**INSTRUCT** the Registry of the Mechanism ("Registry") to transmit, as soon as practicable, to the authorities of the Republic of Serbia ("Serbia") the Indictment in English and in Bosnian/Croatian/Serbian together with a copy of the present Decision, and to report to me once transmission has been completed;

**REQUEST** the authorities of Serbia to serve the Indictment, within 21 days of its receipt, on Vojislav Šešelj, Miljan Damjanović, Miroljub Ignjatović, Ljiljana Mihajlović, and Ognjen Mihajlović, and to submit proof of service to the Registry no later than 40 days from receipt of the Indictment;

**INSTRUCT** the Registry, in the event that service is not fully executed by the authorities of Serbia within the deadline set above, to complete service of the Indictment on any of the remaining accused, unless ordered otherwise;

**INSTRUCT** the Registry to inform me, as soon as practicable, of the status of the execution of service in relation to each accused;

**INSTRUCT** the Prosecution to file a public redacted version of the Indictment;

**ORDER** that the Indictment and the public redacted version thereof be placed under seal and remain confidential until further order; and

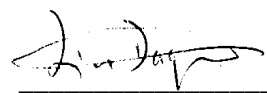
**REMAIN SEISED** of the matter.

---

<sup>5</sup> Further Submission, paras. 11, 14(c).

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

Done this 11th day of August 2023,  
At The Hague,  
The Netherlands



---

Judge Liu Daqun  
Single Judge

**[Seal of the Mechanism]**



IRMCT • MIFRTP

TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DEPOT DE DOCUMENTS

**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

<b>To/ À :</b>	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input type="checkbox"/> Arusha/ <i>Arusha</i>	<input checked="" type="checkbox"/> The Hague/ <i>La Haye</i>
<b>From/ De :</b>	<input type="checkbox"/> President / <i>Président</i>	<input checked="" type="checkbox"/> Chambers / <i>Chambre</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
	<input type="checkbox"/> Registrar / <i>Greffier</i>	<input type="checkbox"/> Other/ <i>Autre</i>	<input type="checkbox"/> Defence / <i>Défense</i>
<b>Case Name/ Affaire :</b>	<b>PROSECUTOR V. VOJISLAV ŠEŠELJ ET AL.</b>	<b>Case Number/ Affaire n° :</b>	<b>MICT-23-129-I</b>
<b>Date Created/ Daté du :</b>	<b>11 August 2023</b>	<b>Date transmitted/ Transmis le :</b>	<b>11 August 2023</b>
			<b>No. of Pages/ Nombre de pages : 4</b>
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Other/Autre (specify/préciser) :
		<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S	
<b>Title of Document/ Titre du document :</b>	<b>DECISION ON CONFIRMATION OF INDICTMENT</b>		
<b>Classification Level/ Catégories de classification :</b>	<input type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input checked="" type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input checked="" type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
<b>Document type/ Type de document :</b>			
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
<input checked="" type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

**II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT**

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
<input type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe)</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input checked="" type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>
<b>Original/ Original en</b> <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> Other/Autre (specify/préciser) :
<b>Translation/ Traduction en</b> <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :

Send completed transmission sheet to/ *Veillez soumettre cette fiche dûment remplie à :*[JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org) OR/ OU [JudicialFilingsHague@un.org](mailto:JudicialFilingsHague@un.org)Rev: August 2019/ *Rév. : Août 2019*