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**Report 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****Security Council
Sixty-ninth year****Letter dated 20 November 2014 from the Permanent Representative
of Croatia to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith a copy of the letter from Ivo Josipović, the President of the Republic of Croatia, addressed to Theodor Meron, the President of the International Criminal Tribunal for the Former Yugoslavia, regarding the decision by the Trial Chamber of the Tribunal to provisionally release Vojislav Šešelj (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 72, and of the Security Council.

(Signed) Vladimir **Drobnjak**
Ambassador
Permanent Representative



Annex to the letter dated 20 November 2014 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

17 November 2014

Vojislav Šešelj, a warmonger and individual indicted by the International Criminal Court for the Former Yugoslavia for the gravest crimes, was granted provisional release based on a decision of the Trial Chamber, due to illness. The decision was made in spite of the fact that Mr. Šešelj declined to accept the conditions for release, namely, to restrain himself from influencing witnesses and victims and from jeopardizing their safety and to reappear in The Hague when summoned by the Tribunal. In addition to these conditions for release as provided by the rules of procedure and evidence, I believe that there are also inherent conditions that the individual released has to respect, as was the case in some other cases pending before the Tribunal thus far. The fact of the matter is that the released accused must not in any way obstruct proceedings and by his deeds harm the fundamentals of international justice, for which the International Criminal Court for the Former Yugoslavia was established. The decision of the Trial Chamber to release Mr. Šešelj for humanitarian reasons is in its jurisdiction, within the framework of which it makes the decision autonomously and based on the corresponding regulation.

I wish to emphasize that as a politician of the State that is not a party in the proceedings, I cannot question the legal foundation of the Tribunal decision. However, as President of the State in whose territory and against whose citizens Mr. Šešelj committed crimes as stated in the indictment, and as a person who, in various capacities — from a non-governmental organization activist to a jurist, professor and politician — supports the work of the Tribunal, I cannot but underline some legal, moral and political facts related to the Šešelj case.

For the sake of justice and the trust of the general public, and in particular of the victims, in international justice, it is essential that each case end within a reasonable time frame with a court decision — a conviction or an acquittal. Too protracted court proceedings, as in the Šešelj case, undermine trust in international law. The situation is even worse when, as in the Milošević case, the proceedings last so long that death thwarts the conviction. Such cases defeat the cause of justice and international law and result in the loss of citizens' trust in the international administration of justice.

In the Šešelj case, injustice went even further. Having been released from custody, Mr. Šešelj organizes political meetings and, with media coverage, mocks international justice and victims. Mr. Šešelj again speaks of hate, and with his statements and speeches, restores the ideology that was the very starting point of the wars in the territory of the former Yugoslavia, the ideology that left in its wake many crimes, death, destruction and immeasurable hardships. It is beyond any doubt that this has a destructive impact not only on criminal proceedings conducted in The Hague but that it spreads fear among people, in particular victims and witnesses, and disowns the very idea of international justice. I consider this contrary to the fundamental objectives of the International Criminal Court for the Former Yugoslavia, in particular those set by the Security Council when adopting its resolution 827 (1993). The potential escalation of Vojislav Šešelj's political activities and danger from his hate speech, which could gain new advocates again,

seriously damage the peace and stability in South-East Europe. The policy of reconciliation and coexistence in the Balkans needed much sacrifice and great persistence by many people, not only politicians but others as well. One of the Tribunal's tasks as stipulated by its founders is contribution to reconciliation.

I am confident that the facts presented above have, in addition to their moral and political dimension, a legal relevance. I am appealing to you: may the International Criminal Court for the Former Yugoslavia do everything in its power to restore the shaken trust in international justice and not allow the victims and the sacrifice of many to be devalued by the activities of Vojislav Šešelj.

Ivo Josipović
