



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-95-5/18-R77.2

Date: 17 January 2012

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 17 January 2012

IN THE CONTEMPT CASE OF MILAN TUPAJIĆ

PUBLIC

DECISION ON MOTION TO POSTPONE TRIAL HEARING

Office of the Prosecutor in Case IT-95-5/18-T

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

Counsel for Mr. Tupajić

Mr. Aleksandar Lazarević

The Accused in Case IT-95/18-T

Mr. Radovan Karadžić

Standby Counsel in Case IT-95-5/18-T

Mr. Richard Harvey

THIS TRIAL CHAMBER 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 (“Tribunal”),

BEING SEISED of the “Motion to Postpone the Hearing in the Contempt Case of Milan Tupajić” filed confidentially by Counsel for Milan Tupajić (“Defence” and “Accused”, respectively) on 17 January 2012 (“Motion”);

NOTING that the Defence requests that the pre-trial conference be held on 20 January, as scheduled, but that the trial itself be postponed for ten days in order for Counsel and the Accused to prepare for trial and to arrange for the translation of documents which the Defence will seek to present at trial;¹

NOTING that the Judges of the Chamber are sitting on more than one case and that in particular, one of the Judges is presiding over the contempt case against Jelena Rašić, which is scheduled to start on Monday 23 January 2012;

NOTING therefore that according to the current court schedule, if the trial against the Accused is not held on 20 January 2012, the only available times thereafter would be Monday 23 January in the afternoon and Friday 3 February in the afternoon;

NOTING that the Accused is returning from provisional release today and will be held in detention on remand at the United Nations Detention Unit thereafter;²

¹ Motion, para. 9.

² Order for Detention on Remand, 15 December 2011; Decision on Motion for Provisional Release, 21 December 2011; Scheduling Order for Commencement of Trial and Order Terminating Provisional Release, 22 December 2011.

FOR THE FOREGOING REASONS

STAYS its decision on the Motion pending further discussion with the Defence and the Accused during the pre-trial conference on 20 January 2012.

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



Judge O-Gon Kwon
Presiding

Dated this seventeenth day of January 2012
At The Hague
The Netherlands

[Seal of the Tribunal]