



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: 22 December 2011

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

Order of: 22 December 2011

IN THE CONTEMPT CASE OF MILAN TUPAJIĆ

Public

**SCHEDULING ORDER FOR COMMENCEMENT OF TRIAL AND ORDER
TERMINATING PROVISIONAL RELEASE**

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

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Bosnia and Herzegovina

via the Embassy of Bosnia and Herzegovina to
The Netherlands, The Hague

Counsel for Mr. Tupajić

Mr. Eugene O'Sullivan (duty counsel)

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”),

NOTING that On 30 November 2011, Milan Tupajić (the “Accused”) was charged with contempt of the Tribunal pursuant to Rule 77(A) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) for knowingly and wilfully interfering with the administration of justice by refusing to comply with two subpoenas issued by the Chamber which ordered him to appear and testify before the Chamber in the case of *Prosecutor v. Radovan Karadžić* (“*Karadžić Case*”);¹

NOTING the initial appearance of the Accused on 16 December 2011 (“Initial Appearance”), during which the Accused maintained that he would not testify in the *Karadžić Case* and pleaded not guilty to the contempt charge;²

NOTING that on 21 December 2011 the Chamber granted the Accused’s motion for provisional release and ordered in its “Decision on Motion for Provisional Release” (“Provisional Release Decision”) that he be released as soon as practicable, on conditions, *inter alia*, that he return to the Tribunal at such time and on such date as the Chamber may order;³

CONSIDERING that it is in the interests of justice, given the nature of the charge and the Accused’s indication at the Initial Appearance that he is prepared for the proceedings, that the trial of the Accused be held as soon as practicable;⁴

PURSUANT TO Articles 20 and 29 of the Statute of the Tribunal and Rules 54, 65, and 73 *bis* of the Rules;

ORDERS that:

(A) A pre-trial conference in the Accused’s case shall be held on Friday 20 January 2012 at 9 a.m. in a courtroom to be designated by the Registry;

(B) The trial shall commence on Friday 20 January 2012 following the pre-trial conference;

¹ Public Redacted Version of “Order in Lieu of Indictment” Issued on 30 November 2011, 14 December 2011, para. 9.

² Hearing, T. 3, 5 (16 December 2011).

³ Provisional Release Decision, paras. 9–10.

⁴ Hearing, T. 8 (16 December 2011) (Private Session).

ORDERS the Accused to return to the United Nations Detention Unit by Wednesday 18 January 2012, thereby terminating his provisional release;

REQUESTS the Government of Bosnia and Herzegovina to ensure that the Accused is transported from his usual place of residence in Bosnia and Herzegovina to Schiphol airport and delivered into the custody of the designated officers of the Government of the Kingdom of the Netherlands in accordance with the Provisional Release Decision;⁵

REQUESTS the Government of the Kingdom of the Netherlands to ensure that the Accused is transported, under guard, from Schiphol Airport to the custody of the United Nations Detention Unit; and

ORDERS the Registry to make all necessary arrangements, including liaising with the Governments of the Kingdom of the Netherlands and Bosnia and Herzegovina, to enable the Accused to return by Wednesday 18 January 2012.

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



Judge O-Gon Kwon
Presiding

Dated this twenty-second day of December 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ Provisional Release Decision, paras. 10–13.