



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

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**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*

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**DECISION ON MOTION TO POSTPONE TRIAL HEARING**

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**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;<sup>1</sup>

**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;<sup>2</sup>

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<sup>1</sup> Motion, para. 9.

<sup>2</sup> 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.



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Judge O-Gon Kwon  
Presiding

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

**[Seal of the Tribunal]**