



INTERNATIONAL CRIMINAL TRIBUNAL
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Case No. IT-95-5/18-R77.2
In the contempt case of Milan Tupajić

PUBLIC

DECISION

THE ACTING DEPUTY REGISTRAR,

NOTING the Statute of the Tribunal as adopted by the Security Council on 25 May 1993 under Resolution 827 (1993), as subsequently amended, and in particular Article 21 thereof;

NOTING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, as subsequently amended (“Rules”), and in particular Rules 44, 45, and 77 thereof;

NOTING the Directive on the Assignment of Defence Counsel as adopted by the Tribunal on 28 July 1994, as subsequently amended (“Directive”), and in particular Articles 6, 7, 8, 9, 10, 11(B), 14(A), and 16(A) thereof;

NOTING the Code of Professional Conduct for Counsel Appearing Before the International Tribunal as adopted by the Tribunal on 12 June 1997, as subsequently amended (“Code of Conduct”);

NOTING that on 30 November 2011, the confidential Order in Lieu of Indictment¹ was filed against Mr. Milan Tupajić (“Accused”), charging him with contempt of the Tribunal under Rule 77 of the Rules and that a public redacted version of the Order in Lieu of Indictment was filed on 14 December 2011;²

CONSIDERING that the Accused was transferred to the seat of the Tribunal on 15 December 2011 and that his initial appearance was held on 16 December 2011;

NOTING that the Rules in parts four to eight apply *mutatis mutandis* to proceedings under Rule 77 of the Rules;

CONSIDERING that on 16 December 2011 and pursuant to Rule 45(C) of the Rules, the Acting Deputy Registrar assigned Mr. Eugene O’Sullivan, Attorney at Law from Canada, as duty counsel to the Accused for the purposes of his initial appearance and for such other matters as necessary until permanent counsel is assigned;³

¹ *In the contempt case of Milan Tupajić*, IT-95-5/18-R77.2, Confidential Order in Lieu of Indictment, 30 November 2011.

² *In the contempt case of Milan Tupajić*, IT-95-5/18-R77.2, Public Redacted Version of “Order in Lieu of Indictment”, 14 December 2011.

³ *In the contempt case of Milan Tupajić*, IT-95-5/18-R77.2, Public Decision by the Registrar, 16 December 2011.

NOTING that any person charged with contempt is entitled to assigned counsel in accordance with Rule 45 of the Rules if that person satisfies the criteria for the determination of indigence;

CONSIDERING that the Accused has applied for Tribunal legal aid pursuant to Article 7 of the Directive, on the basis that he does not have sufficient means to remunerate counsel and has submitted a declaration of means pursuant to Article 7(B) of the Directive;

CONSIDERING that on 12 January 2012, the Accused formally requested the Registry to assign Mr. Aleksandar Lazarević, Attorney at Law from the Republic of Serbia, to represent him as counsel;

NOTING that Mr. Lazarević has been assigned before the Tribunal as standby counsel to Mr. Vojislav Šešelj (Case No. IT-03-67), counsel to Mr. Ljubomir Borovčanin (Case No. IT-05-88), counsel to Mr. Gojko Janković (Case No. IT-96-23/2), counsel to Mr. Savo Todović (Case No. IT-97-25/1), and co-counsel to Mr. Simo Zarić (Case No. IT-95-9);

NOTING that Mr. Lazarević is currently not assigned as counsel before the Tribunal;

CONSIDERING that the Registry has not yet determined whether or to what extent the Accused is able to remunerate counsel;

CONSIDERING that in accordance with Article 11(B) of the Directive, the Registrar may temporarily assign counsel to an accused for a period of 120 days to ensure that an accused's right to counsel is not affected while the Registry examines his ability to remunerate counsel;

CONSIDERING that in this case it is necessary to assign counsel to the Accused pursuant to Article 11(B) of the Directive to ensure that his right to counsel is not affected while the Registry assesses his ability to remunerate counsel;

HEREBY DECIDES to assign Mr. Lazarević as counsel to the Accused for a temporary period of 120 days pursuant to Article 11(B) of the Directive, effective as of the date of this decision.

FURTHER DECIDES that the assignment of Mr. O'Sullivan as duty counsel ceases as of the date of this decision;

DIRECTS Mr. O'Sullivan to hand over to Mr. Lazarević any case-related materials he received during his assignment as duty counsel, in accordance with his duty under Article 9(D) of the Code of Conduct.

Linda Murnane

 Acting Deputy Registrar

Dated this 13th day of January 2012
 At The Hague,
 The Netherlands