



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-95-13/1-PT  
Date: 20 December  
2002  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Wolfgang Schomburg, Presiding  
Judge Florence Ndepele Mwachande Mumba  
Judge Carmel Agius, Pre-Trial Judge

**Registrar:** Mr. Hans Holthuis

**Decision of:** 20 December 2002

**PROSECUTOR**

v.

**MILE MRKŠIĆ**

---

**DECISION ON REQUEST FOR LEAVE TO FILE REPLY**

---

**The Office of the Prosecutor:**

Mr. Jan Wubben  
Mr. Mark J. McKeon

**Counsel for the Accused:**

Mr. Miroslav Vasić

**I, Carmel Agius, Pre-Trial Judge** in this case before Trial Chamber II (“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 “Defense Request to File a Reply to Prosecution’s Response to the Accused’s Preliminary Motion Based on the “Defects in Form of the Second Amended Indictment Dated 13 December 2002”” (“Request to Reply”) filed on 18 December 2002;

**NOTING** the “Order for Filing of Motions and Related Matters” issued on 2 September 2002 by the Pre-Trial Judge;

**NOTING** the “Prosecution’s Motion for Leave to File an Amended Indictment” (“Prosecution’s Motion”) filed on 29 August 2002;

**NOTING** the “Decision on Leave to File Amended Indictment” (“Decision”) filed on 1 November 2002, in which the Trial Chamber granted leave to the Prosecution to file its amended indictment and leave to the Defence to file a motion on the form of the amended indictment;

**NOTING** the “Defense Preliminary Motion” (“Defence Motion”) filed on 28 November 2002, in which the Defence challenges the form of the indictment;

**NOTING** the “Prosecution’s Response to the Accused’s Preliminary Motion Based on Defects in the Form of the Second Amended Indictment” (“Prosecution’s Response”) filed on 13 December 2002;

**CONSIDERING** that the Defence seeks leave in its Request to Reply to respond to certain issues raised in the Prosecution’s Response;

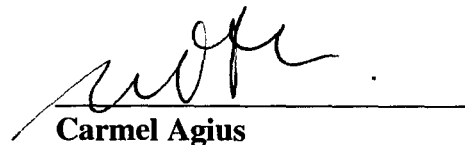
**PURSUANT TO** Rules 54 and 72 of the Rules of Procedure and Evidence;

**HEREBY ORDERS** as follows:

- (1) The Defence is granted leave to file a reply to the Prosecution’s Response by 10 January 2002;
- (2) The Defence shall restrict its reply to new issues raised in the Prosecution’s Response and shall not repeat arguments already advanced.

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

Dated this twentieth day of December 2002,  
At The Hague  
The Netherlands



**Carmel Agius**

**Pre-Trial Judge**

**[Seal of the Tribunal]**