



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-03-73-PT
Date: 23 July 2004
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge Jean Claude Antonetti
Judge Kevin Parker

Registrar: Mr. Hans Holthuis

Decision: 23 July 2004

PROSECUTOR

v.

**IVAN ČERMAK
MLADEN MARKAČ**

**DECISION ON PROSECUTION'S MOTION TO EXCEED TEN-
PAGE LIMITATION ON RESPONSE**

The Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Mark Ierace

Counsel for the Accused:

Mr. Čedo Prodanović and Ms. Jadranka Sloković for Ivan Čermak
Mr. Miroslav Šeparović and Mr. Goran Mikuličić for Mladen Markač

I, Judge Kevin Parker, judge at 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 SEIZED OF the “Prosecution’s Motion to Exceed Ten-Page Limitation on Response to the Accuseds’ Preliminary Motions on Defects in the Form of the Indictment” of 22 July 2004 (“Motion”);

NOTING that as grounds for its request the Prosecution submits that its proposed response is a joint response to two separate motions filed by Mladen Markač and Ivan Čermak, that each of these motions raises many objections to the form of the indictment and that it needs additional page limitation in order to adequately respond to each of the objections;

CONSIDERING that, under paragraph 7 of the Practice Direction, the Trial Chamber may give authorization to a party to exceed the specified page limit if the party seeks authorization in advance, and provides an explanation of the exceptional circumstances that necessitate the oversized filing;

FINDING that exceptional circumstances have been shown warranting the extension sought, pursuant to paragraph (C)(7) of the Practice Direction on the Length of Briefs and Motions;

PURSUANT TO Rule 73 of the Rules of Procedure and Evidence and paragraph (C)(7) of the Practice Direction on the Length of Briefs and Motions;

ACCEPT the “Prosecution Response to the Preliminary Motions on Defects in the Form of the Indictment Filed by Mladen Markač on 9 July 2004 and Ivan Čermak on 15 July 2004” as having been validly filed.

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

Dated this twenty-third day of July 2004
At The Hague
The Netherlands



Judge Kevin Parker
Pre-Trial Judge