



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-03-73-AR73.2  
Date: 14 September 2006  
Original: English

**THE APPEALS CHAMBER**

**Before:** Judge Fausto Pocar  
Judge Mohamed Shahabuddeen  
Judge Liu Daqun  
Judge Andréia Vaz  
Judge Theodor Meron

**Registrar:** Mr. Hans Holthuis

**Decision of:** 14 September 2006

**THE PROSECUTOR**

v.

**IVAN ČERMAK AND MLADEN MARKAČ**

**DECISION ON IVAN ČERMAK'S MOTION FOR VARIATION OF TIME LIMITS**

**Counsel for the Appellant:**

Čedo Prodanović and Jadranka Sloković for Ivan Čermak

**Counsel for the Prosecution:**

Alan Tieger  
Laurie Sartorio

**THE APPEALS 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 (“International Tribunal”),

**NOTING** the “Decision on Defence Applications for Certification to Appeal Decision on Prosecution’s Consolidated Motion to Amend the Indictment and for Joinder” rendered by Trial Chamber II on 14 August 2006 (“Decision on Certification”), in which the Trial Chamber granted a motion filed by Counsel for Ivan Čermak for certification to appeal its decision to join Ivan Čermak’s case with the case against Ante Gotovina;

**NOTING** “Appellant Ivan Čermak’s Interlocutory Appeal Against the Trial Chamber’s Decision on Prosecution’s Consolidated Motion to Amend the Indictment and for Joinder” filed on 21 August 2006;

**NOTING** “The Prosecution’s Consolidated Response to Interlocutory Appeals of the Trial Chamber’s Decision on Prosecution’s Consolidated Motion to Amend the Indictment and for Joinder” filed on 8 September 2006 (“Consolidated Response”);

**BEING SEIZED OF** the “Motion on Behalf of Appellant Ivan Čermak Seeking a Variation of Time Limits to File Reply to Prosecution Response Brief” filed by Counsel for Ivan Čermak on 12 September 2006 (“Motion”), in which Counsel for Ivan Čermak indicate that they believe that it is necessary to file a reply to the Prosecution’s Consolidated Response and request an extension of the deadline for filing the reply by four days or by 18 September 2006;<sup>1</sup>

**NOTING** that, in support of their request, Counsel for Ivan Čermak state that: (1) since 6 September 2006, they have been in The Hague to attend a status conference held on 7 September 2006 as well as for case preparation purposes; (2) a four-day extension for filing a reply is necessary because they need to discuss the contents of the proposed reply with Ivan Čermak who is currently on provisional release in the Republic of Croatia; and (3) they will only be travelling to the Republic of Croatia on 12 September 2006 and therefore, will only be able to speak to Ivan Čermak by 13 September earliest;<sup>2</sup>

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<sup>1</sup> Motion, para. 14.

<sup>2</sup> *Id.*, paras 11-13.

**CONSIDERING** that pursuant to paragraph 11 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal,<sup>3</sup> for appeals from decisions where certification has been granted by a Trial Chamber, an appellant may file a reply within four days of the filing of the response and therefore, Ivan Čermak's reply was due by 12 September 2006, the day on which Counsel for Ivan Čermak filed their Motion for an extension of time;

**CONSIDERING** that because the deadline for filing the reply was 12 September 2006, Counsel for Ivan Čermak are, in fact, seeking a six-day extension of the deadline in requesting that they be allowed to file a reply no later than 18 September 2006;

**CONSIDERING** that, pursuant to Rule 127(A)(i) and (B) of the Rules of Procedure and Evidence of the International Tribunal ("Rules"), the Appeals Chamber may, on good cause being shown by motion, enlarge or reduce any time prescribed by or under the Rules;

**CONSIDERING** that the International Tribunal's deadlines are essential to the orderly and efficient progress of cases;

**FINDING** that Counsel for Ivan Čermak have failed to establish good cause within the meaning of Rule 127 of the Rules because they have failed to sufficiently explain why it is necessary to discuss the contents of a reply with Ivan Čermak in person and why they are only able to travel to The Republic of Croatia on 12 September 2006 in order to do so;

**CONSIDERING** however that the Prosecution has expressed no objection to any extension of time and, as the Trial Chamber noted, "[t]here is no present prospect of an immediate or early start of the trial";<sup>4</sup>

**ON THE BASIS OF THE FOREGOING,**

**GRANT** the Request in part and **ORDER** Counsel for Ivan Čermak to file a reply no later than 15 September 2006.

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<sup>3</sup> IT/155/Rev.3, 16 September 2005.

<sup>4</sup> Decision on Certification, para. 12.

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

Done this 14th day of September 2006,  
At The Hague,  
The Netherlands.



Judge Fausto Pocar

**[Seal of the International Tribunal]**