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Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

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**APPEALS CHAMBER**

**CHAMBRE D'APPEL**

The Hague, 2 December 2004  
CT/P.I.S./921e

**IVAN ČERMAK AND MLADEN MARKAČ**  
**GRANTED PROVISIONAL RELEASE BY THE APPEALS CHAMBER**

Today, 2 December 2004, the Appeals Chamber consisting of Judge Mumba (Presiding), Judge Pocar, Judge Shahabuddeen, Judge Güney and Judge Schomburg granted the provisional release of Ivan Čermak and Mladen Markač.

**Background**

On 12 March 2004, Mr. Čermak and Mr. Markač filed separate Motions for provisional release which were followed by the Prosecutor's Responses to the Motions on 25 March 2004 requesting for each "*that the Defence Motion be dismissed and that the relief requested be denied.*" The Trial Chamber denied the Accused's Motions on 29 April 2004.

Mr. Čermak and Mr. Markač then filed separately their second Motions for provisional release on 23 July 2004, and on 28 July 2004 the Prosecutor filed a Response to the Motions stating that "*she does not oppose the provisional release for Ivan Čermak and Mladen Markač with the conditions proposed by them in their Motions.*" The Trial Chamber denied the accused's Motions on 14 September 2004.

Following the Trial Chamber's Decision, the Accused filed a joint Motion for leave to appeal the Trial Chamber's Decision on the second Motions for provisional release on 20 September 2004. On 29 September 2004, the Prosecutor filed a response in which "*the Prosecutor joins in the Accused's Motion for leave to appeal the Trial Chamber's decision denying their second motions for provisional release.*"

After the Bench of the Appeals Chamber granted the Motion for leave to appeal the Impugned Decision on 13 October 2004, the Accused each filed an Interlocutory Appeal against the Trial Chamber's Decision on the second motion for provisional release on 22 and 26 October 2004, respectively.

Pursuant to Rule 65(B) of the Rules of Procedure and Evidence, the Appeals Chamber ordered that Ivan Čermak and Mladen Markač be provisionally released under certain specific terms and conditions outlined in its Decision.

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***The full text of the Appeals Chamber's Decision will be available on the Tribunal's website [www.un.org/icty](http://www.un.org/icty) in due course. Hard copies can also be obtained from the Press Office.***

Internet address: <http://www.un.org/icty>

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