



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-06-90-AR65.2  
Date: 23 January 2008  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Fausto Pocar, Presiding  
Judge Mohamed Shahabuddeen  
Judge Liu Daqun  
Judge Andrézia Vaz  
Judge Theodor Meron

**Registrar:** Mr. Hans Holthuis

**Decision of:** 23 January 2008

**THE PROSECUTOR**

v.

**ANTE GOTOVINA  
IVAN ČERMAK  
MLADEN MARKAČ**

**PUBLIC**

**DECISION ON NOTICE OF WITHDRAWAL OF APPEAL**

**Office of the Prosecutor**

Mr. Alan Tieger  
Mr. Stefan Waespi

**Counsel for the Defence**

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina  
Mr. Steven Kay and Mr. Andrew Cayley for Ivan Čermak  
Mr. Goran Mikuličić and Mr. Tomislav Z. Kuzmanović for Mladen Markač

**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 “Order for the Arrest and Transfer of the Accused Mladen Markač from Provisional Release” issued by the Duty Judge on 28 December 2007;

**NOTING** that on 4 January 2008, Mladen Markač filed the “Defence Interlocutory Appeal against Duty Judge’s Order for the Arrest and Transfer of Accused Mladen Markač from Provisional Release” (“Interlocutory Appeal”);


**NOTING** however, that on 18 January 2008, Counsel for Mladen Markač filed a “Notice of Withdrawal of Appeal” informing the Appeals Chamber of the withdrawal of the Interlocutory Appeal “in accordance with a specific request of the Accused”;

**FOR THE FOREGOING REASONS,**

**DECLARES** that the Interlocutory Appeal has been withdrawn.

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

Done this 23<sup>rd</sup> day of January 2008,  
At The Hague,  
The Netherlands.

  
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Judge Fausto Pocar  
Presiding

**[Seal of the International Tribunal]**