



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-AR73.4
Date: 8 April 2009
Original: English

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Presiding
Judge Mohamed Shahabuddeen
Judge Liu Daqun
Judge Andréia Vaz
Judge Theodor Meron

Acting Registrar: Mr. John Hocking

Decision of: 8 April 2009

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

PUBLIC

**DECISION ON JOINT DEFENCE REQUEST TO EXTEND TIME LIMIT
FOR FILING REPLY**

The Office of the Prosecutor:

Mr. Alan Tieger
Mr. Stefan Waespi

Counsel for the Accused:

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

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 (“Appeals Chamber” and “International Tribunal”, respectively);

SEIZED of the joint request by Ante Gotovina, Ivan Cermak and Mladen Markač (collectively, “Joint Defence”) for extension of time limit for filing reply;¹

NOTING that the Prosecution does not oppose the Joint Defence Request;²

NOTING the Joint Defence Appeal Against Second Decision on Joint Defence Motion to Strike the Prosecution's Further Clarification of Identity of Victims, 26 March 2009 (“Joint Appeal”) filed on 26 March 2009 under case number IT-06-90-AR73.3;

NOTING the Joint Defence’s Notification Regarding Joint Defence Appeal Against Second Decision on Joint Defence Motion to Strike the Prosecution's Further Clarification of Identity of Victims (“Joint Defence’s Notification”), filed on 30 March 2009, in which the Joint Defence, pursuant to instructions of the Registrar, withdrew the Joint Appeal under case number IT-06-90-AR73.3 and resubmitted the same Joint Appeal under case number IT-06-90-AR73.4;³

CONSIDERING that, while the Joint Appeal was filed in time under a different case number, it was only correctly filed on 30 March 2009;

CONSIDERING that as a result of the change in case number there is the possibility of confusion regarding the deadlines for the filing of the Prosecution Response and the Defence Reply;

FINDING that the deadlines should run from the date that the Joint Appeal was filed with the correct case number;

CONSIDERING that the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal determine that a response shall be filed within 10 days of the filing of the interlocutory appeal,⁴ which in this case falls on 9 April 2009;

FURTHER CONSIDERING that 10 and 13 April 2009 are United Nations holidays and that, in the event of late Prosecution filing on 9 April 2009, it would therefore be possible that the Joint

¹ Joint Defence Request to Extend Time Limit for Filing Reply, 8 April 2009 (“Joint Defence Request”).

² Prosecution Response to Joint Defence Request to Extend the Time Limit for Filing Reply, 8 April 2009, para. 2.

³ Joint Defence’s Notification, para. 2.

⁴ Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal, IT/155 Rev. 3, paras IV. 10-11.

Defence might not be served with the Prosecution's response to the Joint Appeal before 14 April 2009;

PURSUANT to Rules 54, 107 and 127(B) of the Rules of Procedure and Evidence;

HEREBY GRANTS the Joint Defence Request; and

ORDERS that:

1. the Prosecution file its response to the Joint Appeal no later than 9 April 2009;
2. the Joint Defence file its reply to the Prosecution's response no later than 17 April 2009.

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



Judge Mehmet Güney
Presiding Judge

Dated this eighth day of April 2009
At The Hague
The Netherlands

[Seal of the International Tribunal]