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UNITED
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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-AR54bis.1

Date: 18 June 2010

Original: English

BEFORE THE DUTY JUDGE

Before: Judge Bakone Justice Moloto

Registrar: Mr. John Hocking

Decision of: 18 June 2010

PROSECUTOR

v.

ANTE GOTOVINA, IVAN ČERMAK, AND MLADEN MARKAČ

PUBLIC

DECISION ON PROSECUTION MOTION TO SUSPEND DEADLINE

Office of the Prosecutor

Mr. Alan Tieger

Counsel for the Defence

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

General Secretariat of the Council of the European Union

Mr. Pierre de Boissieu

High Representative of the Union for Foreign Affairs and Security Policy

Ms. Catherine Ashton

The Presidency of the Council of the European Union (Spain)

The Commission of the European Union

The Founding Member States of the ECMM

Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal,
Spain, and the United Kingdom

I, Bakone Justice Moloto, acting in my capacity as Duty Judge 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 “Gotovina Defence Appeal Against the Trial Chamber’s 3 June 2010 Decision”, filed on 10 June 2010;

NOTING the “Prosecution’s Motion to Strike the Gotovina Defence 10 June 2010 Appeal Brief and Related Requests for Relief,” filed 17 June 2010 (“Request”), in which the Prosecution requests, *inter alia*, “that, on an urgent basis, the Appeals Chamber temporarily suspend the deadline for filing responses to Gotovina’s Appeal”;

NOTING that Rule 28(D)(ii) of the Rules of Procedure and Evidence (“Rules”) provides that, where a case has already been assigned to a Trial Chamber and where the application is made within the normal Registry hours and the Trial Chamber is unavailable, it shall be dealt with by the duty Judge if satisfied as to its urgency or that it is otherwise appropriate to do so in the absence of the Trial Chamber;

NOTING that, pursuant to Rule 28(F), the above provision applies *mutatis mutandis* to applications before the Appeals Chamber;

CONSIDERING that the Request was made within normal Registry hours, that the assigned Appeals Chamber is unavailable, and that I am satisfied that the Request is urgent or that it is otherwise appropriate to deal with it in the absence of the Appeals Chamber;

CONSIDERING that the Prosecution has not demonstrated good cause for the requested suspension;

HEREBY DENY the Prosecution's Request in so far as it seeks a suspension of the deadline for filing responses to Gotovina's Appeal.

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



Judge Bakone Justice Moloto
Duty Judge

Dated this 18th day of June 2010
At The Hague
The Netherlands

[Seal of the International Tribunal]