



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-01-45-AR73.1
Date: 21 August 2006
Original: English

THE APPEALS CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 21 August 2006

THE PROSECUTOR

v.

ANTE GOTOVINA

DECISION ON REQUEST FOR EXTENSION OF TIME

Counsel for the Appellant:

Mr. Gregory W. Kehoe
Mr. Luka S. Mišetić

Counsel for the Prosecution:

Mr. Alan Tieger
Ms. Laurie Sartorio

I, MOHAMED SHAHABUDEEN, a Judge of 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 that President Fausto Pocar is currently absent from the International Tribunal and unable to exercise the functions of Presiding Judge of the Appeals Chamber in this case and that, therefore, pursuant to Rule 22(B) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),¹ the Appeals Chamber shall elect a Presiding Judge from among its number and I have been so elected for purposes of disposing of this Decision;

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 Ante Gotovina for certification to appeal its decision to join Ante Gotovina’s case with the case against Ivan Čermak and Mladen Markač;

BEING SEIZED OF “Defendant Ante Gotovina’s Request for an Extension of Time to File his Appeal from the Trial Chamber’s Order of 14 July 2006” filed by Counsel for Ante Gotovina on 17 August 2006 (“Request”), in which Counsel request an extension of time to file their appeal from 21 August 2006 to 31 August 2006 on the ground that Counsel are currently involved in other matters taking them outside of the country;²

CONSIDERING that under Rule 73(C) of the Rules, where a party’s request for certification to appeal a Trial Chamber decision is granted, that party is required to file the interlocutory appeal within seven days of the filing of that decision;

CONSIDERING that pursuant to Rule 127(A)(i) and (B) of the 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;

¹ IT/32/Rev. 38, 13 June 2006.

² Request, para. 3.

FINDING that the fact that Counsel for Ante Gotovina have other overseas commitments including other cases, which prevent them from filing a timely appeal in this case, does not in itself constitute “good cause” within the meaning of Rule 127 of the Rules, as Counsel are expected to balance their work requirements with any other obligations;³

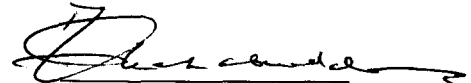
CONSIDERING however that the Prosecution has expressed no objection to any extension of time and, as the Trial Chamber noted, “[t]here is no present prospect of an immediate or early start of the trial”⁴ and therefore, it is in the interests of justice to grant a limited extension of the filing deadline;

ON THE BASIS OF THE FOREGOING,

GRANT the Request in part and **ORDER** Counsel for Ante Gotovina to file its appeal no later than 25 August 2006.

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

Done this 21st day of August 2006,
At The Hague,
The Netherlands.



Judge Mohamed Shahabuddeen

[Seal of the International Tribunal]

³ See *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-A, Decision on Motion for Extension of Time for the Filing of Prosecution Response Brief, 20 July 2005, p. 4; *Prosecutor v. Željko Mejačić et al.*, Case No. IT-02-65-AR11bis.1, Decision on Joint Defense Motion for Leave to File Supplemented Appeals Brief, 16 November 2005, p. 5; *Prosecutor v. Mitar Rašević and Savo Todović*, Case No. IT-97-25/1-AR.11bis.2, Decision on Defence’s Motion for Extension of Time, 28 June 2006, p. 3.

⁴ Decision on Certification, para. 12.