



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-06-90-PT

Date: 12 April 2007

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding Judge
Judge Bakone Justice Moloto
Judge Christine Van den Wyngaert

Registrar: Mr. Hans Holthuis

Decision of: 12 April 2007

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

**DECISION ON URGENT APPLICATION CONCERNING
THE PARTIALLY ISSUED IMPUGNED DECISION AND
PROPER TIME LIMIT FOR APPLICATION FOR
CERTIFICATION FOR APPEAL**

The Office of the Prosecutor:

Mr. Alan Tieger
Ms. Laurie Sartorio

Counsel for the Accused:

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina
Mr. Čedo Prodanović and Ms. Jadranka Sloković for Ivan Čermak
Mr. Miroslav Šeparović and Mr. Goran Mikuličić for Mladen Markač

TRIAL CHAMBER I (“Trial 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 (“Tribunal”);

RECALLING the Trial Chamber’s “Decision on Conflict of Interest of Attorneys Čedo Prodanivić and Jakandra Sloković” of 5 April 2007 (“Decision”) wherein it was indicated that Judge Orić’s dissenting opinion would be filed at a later date;

BEING SEIZED of the “Urgent Application Concerning the Partially Issued Impugned Decision and Proper Time Limit for Application for Certification for Appeal” filed on 10 April 2007 (“Application”), in which the Defence for the Accused Ivan Čermak requested the Trial Chamber to order that the prescribed seven day period in which it must apply for certification to appeal the Decision begins to run from the date on which Judge Orić’s dissenting opinion is filed and not from the date of the filing of the Decision (“Request”);

NOTING that the Prosecution has informed the Trial Chamber in an email to its Senior Legal Officer of 10 April 2007 that it does not intend to file a response to the Application nor does it object to the Request;

CONSIDERING that the time to file an application for certification to appeal runs from the date of the filing of a decision pursuant to Rule 73(B) of the Rules of Procedure and Evidence (“Rules”);

CONSIDERING that the Decision as filed is complete and should be the basis for the Defence for the Accused Ivan Čermak to identify the issue and decide on whether to file a request for certification to appeal;

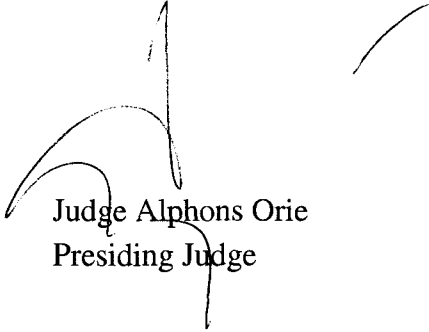
CONSIDERING nevertheless that in this case, it is practical, serves procedural efficiency and therefore is in the interests of justice to allow the Defence for the Accused Ivan Čermak to calculate the time limit to file the request for certification to appeal from the day Judge Orić’s dissenting opinion is filed;

CONSIDERING that to the extent that this is in the interests of justice, good cause has been shown;

PURSUANT TO Rules 54 and 127(A)(i) of the Rules;

HEREBY GRANTS the Request.

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



Judge Alphons Orie
Presiding Judge

Dated this twelfth day of April 2007

At The Hague

The Netherlands

[Seal of the Tribunal]