



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: 27 April 2007

Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr. Hans Holthuis

Decision of: 27 April 2007

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

**DECISION ON REQUEST FOR CERTIFICATION TO FILE
INTERLOCUTORY APPEAL AGAINST TRIAL CHAMBER'S
DECISION ON CONFLICT OF INTEREST OF ATTORNEYS
ČEDO PRODANOVIĆ AND JADRANKA SLOKOVIĆ**

The Office of the Prosecutor:

Mr. Alan Tieger
Mr. Marks Moore

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”);

BEING SEIZED of “Ivan Čermak’s Request for Certification to File Interlocutory Appeal against Trial Chamber’s Decision on Conflict of Interest of Attorneys Čedo Prodanović and Jadranka Sloković” filed on 25 April 2007 (“Request for Certification”), in which Defence for the Accused Ivan Čermak requested the Trial Chamber, pursuant to Rule 73(B) of the Rules of Procedure and Evidence of the Tribunal (“Rules”), to grant certification to appeal the “Decision on Conflict of Interest of Attorneys Čedo Prodanović and Jadranka Sloković”, rendered by the Trial Chamber on 5 April 2007 (“Decision on Conflict of Interest”);

NOTING that the Prosecution has informed the Trial Chamber’s Legal Officer by telephone on 26 April 2007, that it will not file a response to the Request for Certification;

CONSIDERING that Rule 73(B) of the Rules provides that

Decisions on all motions are without interlocutory appeal save with certification by the Trial Chamber, which may grant such certification if the decision involves an issue that would significantly affect the fair and expeditious conduct of proceedings or the outcome of the trial, and for which, in the opinion of the Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings.

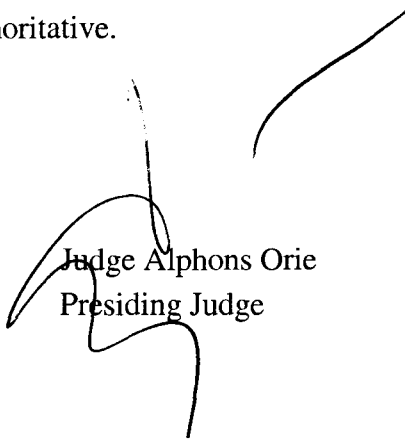
CONSIDERING that the Request for Certification was filed in accordance with Rule 73(C) of the Rules;

CONSIDERING that the Request for Certification involves the issue of the assistance of counsel of choice which may significantly affect the fair and expeditious conduct of the proceedings in this case, and for which the Chamber finds that an immediate resolution by the Appeals Chamber may materially advance the proceedings;

PURSUANT to Rule 73(B) of the Rules,

HEREBY GRANTS the Request for Certification.

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



Judge Alphons Orié
Presiding Judge

Dated this twenty-seventh day of April 2007

At The Hague

The Netherlands

[Seal of the Tribunal]