



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: 31 July 2007
Original: English

BEFORE A JUDGE OF THE TRIBUNAL

Duty Judge: Judge Theodor Meron
Registrar: Mr. Hans Holthuis
Decision of: 31 July 2007

PROSECUTOR

v.

**ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ**

PUBLIC

**DECISION ON DEFENDANT ANTE GOTOVINA'S
MOTION FOR CLARIFICATION OF THE TRIAL CHAMBER'S
ORDER TO THE PROSECUTION CONCERNING THE
ALLEGED CONFLICT OF INTEREST OF ATTORNEY
GREGORY KEHOE, AND MOTION TO SUSPEND THE TIME
LIMITS OF RULE 73(C)**

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 (in transfer) and Ms. Jadranka Sloković (in transfer) for Ivan Čermak
Mr. Miroslav Šeparović (in transfer) and Mr. Goran Mikuličić for Mladen Markač

I, Judge Theodor Meron, 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 (“Tribunal”);

BEING SEISED of the “Defendant Ante Gotovina’s motion for clarification of the Trial Chamber’s order to the Prosecution concerning the alleged conflict of interest of attorney Gregory Kehoe, and motion to suspend the time limits of Rule 73(C)”, filed on 27 July 2007 (“Motion”), whereby the Defence of Ante Gotovina (“Defence”) requests:

1) that the Trial Chamber clarify the “Order to the Prosecution concerning the alleged conflict of interest of attorney Gregory Kehoe”, filed on 25 July 2007 (“Order”), specifically:

does the Trial Chamber hold that the Registrar should have waited for the Prosecution to advise the Registrar that Mr. Kehoe did not “personally and substantially participate” in the Storm investigation (as the Prosecution has advised the Trial Chamber in its 27 April 2007 Response to the Joint Motion) before admitting Mr. Kehoe? Or is the Trial Chamber holding that, even if the Prosecution advised the Registrar that Mr. Kehoe did not “personally and substantially” participate in the Storm investigation, the Registrar was nevertheless obligated to conduct his own *de novo* review of the Prosecution’s files and to come to his own independent conclusion?¹

2) that the Trial Chamber “suspend the time limits in Rule 73(C) until the Trial Chamber has issued a ruling on this Motion”,²

CONSIDERING that there is no need for clarification and that the Defence questions the legal basis of the Order and invites the Trial Chamber to anticipate on matters still being explored;

CONSIDERING that the Prosecution, to whom the Order is directed, has informed the Trial Chamber by telephone to its Legal Officer on 30 July 2007 that it does not intend to respond;

CONSIDERING that pursuant to Rule 127 of the Rules of Procedure and Evidence (“Rules”) a Trial Chamber may enlarge any time prescribed by the Rules “on good cause being shown by motion”;

CONSIDERING that good cause has not been shown for enlarging the time limit under Rule 73(C);

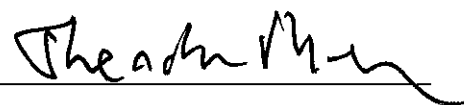
¹ Motion, para 5.

² Motion, para. 12.

FOR THESE REASONS

DENY the Motion.

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



Judge Theodor Meron
Duty Judge

Dated this thirty-first day of July 2007

At The Hague

The Netherlands

[Seal of the Tribunal]