



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-PT

Date: 7 December 2007

Original: English

**IN TRIAL CHAMBER I**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 7 December 2007

**PROSECUTOR**

**v.**

**ANTE GOTOVINA  
IVAN ČERMAK  
MLADEN MARKAČ**

***PUBLIC***

**DECISION ON DEFENDANT ANTE GOTOVINA'S MOTION  
FOR EXTENSION OF TIME TO RESPOND TO  
PROSECUTION'S MOTION TO AMEND THE EXHIBIT LIST**

**The Office of the Prosecutor**

Mr. Alan Tieger  
Mr. Stefan Waespi

**Counsel for the Accused**

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina  
Mr. Steven Kay and Mr. Andrew Cayley for Ivan Čermak  
Mr. Goran Mikuličić and Mr. Tomislav Z. Kuzmanović 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 SEISED** of “Defendant Ante Gotovina’s motion for extension of time to respond to Prosecution’s motion to amend the exhibit list”, filed confidentially on 4 December 2007 (“Motion”) by the Gotovina Defence;

**NOTING** that the Gotovina Defence, pursuant to Rule 126 *bis* of the Rules of Procedure and Evidence (“Rules”), requests an extension of time until 18 December 2007 to respond to the “Prosecution motion to amend the exhibit list”, filed publicly on 21 November 2007 with two confidential annexes and one confidential and *ex parte* annex (“Prosecution Motion”);

**NOTING** that by the Prosecution Motion the Prosecution seeks to add 364 documents to, and to withdraw 130 documents from, its exhibit list filed on 16 March 2007;

**NOTING** the Gotovina Defence’s submissions that the documents which the Prosecution seeks to add were disclosed to the Gotovina Defence on 12 November 2007, that the Gotovina Defence “cannot properly review several hundred exhibits in less than three weeks time”,<sup>1</sup> that “an additional two weeks time will not prejudice any of the parties”,<sup>2</sup> that some documents identified in the Motion are not included in the material disclosed by the Prosecution to the Gotovina Defence on 12 November 2007;<sup>3</sup>

**NOTING** that any response by the Gotovina Defence to the Prosecution Motion would have been due on 5 December 2007;

**NOTING** the “Response by the Defence for Ivan Čermak to the Prosecution motion to amend the exhibit list”, filed confidentially on 30 November 2007;

**NOTING** the “Prosecution response to defendant Ante Gotovina’s motion for extension of time to respond to Prosecution’s motion to amend the exhibit list”, filed confidentially on 6 December 2007 (“Prosecution Response”), wherein the Prosecution states that it does not object to the Motion;

**NOTING** that in the Prosecution Response the Prosecution requests that the time limit for requesting leave and filing a reply to all Defence responses be correspondingly extended to seven

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<sup>1</sup> Motion, para. 5.

<sup>2</sup> Motion, para. 5.

<sup>3</sup> Motion, para. 6.

days after the filing of the response of the Gotovina Defence, which would allow the Prosecution to address all the issues raised by the Defences in a single submission (“Prosecution Request”);

**CONSIDERING** that there is no reason for this matter to be decided confidentially;

**CONSIDERING** that the Gotovina Defence has shown good cause for an extension of time;

**CONSIDERING** therefore that the deadline for the Prosecution to request leave to file a reply to the Defence responses will be calculated from 18 December 2007, thus expiring on 25 December 2007;

**PURSUANT TO** Rule 126 *bis*;

**GRANTS** the Motion;

**GRANTS** the Prosecution Request; and *proprio motu*

**ORDERS** the confidentiality to be lifted of the Motion and the Prosecution Response.

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



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Judge Alphons Orié  
Presiding

Dated this seventh day of December 2007

At The Hague

The Netherlands

**[Seal of the Tribunal]**