

UNITED  
NATIONS



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-AR54bis.1

Date: 18 June 2010

Original: English

**BEFORE THE DUTY JUDGE**

**Before:** Judge Bakone Justice Moloto

**Registrar:** Mr. John Hocking

**Decision of:** 18 June 2010

**PROSECUTOR**

v.

**ANTE GOTOVINA, IVAN ČERMAK, AND MLADEN MARKAČ**

***PUBLIC***

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**DECISION ON PROSECUTION MOTION TO SUSPEND DEADLINE**

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**Office of the Prosecutor**

Mr. Alan Tieger

**Counsel for the Defence**

Mr. Gregory W. Kehoe, Mr. Luka S. Mišetić, and Mr. Payam Akhavan for Mr. Ante Gotovina  
Mr. Steven Kay, Mr. Andrew T. Cayley, and Ms. Gillian Higgins for Mr. Ivan Čermak  
Mr. Goran Mikuličić and Mr. Tomislav Kuzmanović for Mr. Mladen Markač

**General Secretariat of the Council of the European Union**

Mr. Pierre de Boissieu

**High Representative of the Union for Foreign Affairs and Security Policy**

Ms. Catherine Ashton

**The Presidency of the Council of the European Union (Spain)**

**The Commission of the European Union**

**The Founding Member States of the ECMM**

Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, and the United Kingdom

**I, Bakone Justice Moloto**, acting in my capacity as Duty 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 (“International Tribunal”),

**NOTING** the “Gotovina Defence Appeal Against the Trial Chamber’s 3 June 2010 Decision”, filed on 10 June 2010;

**NOTING** the “Prosecution’s Motion to Strike the Gotovina Defence 10 June 2010 Appeal Brief and Related Requests for Relief,” filed 17 June 2010 (“Request”), in which the Prosecution requests, *inter alia*, “that, on an urgent basis, the Appeals Chamber temporarily suspend the deadline for filing responses to Gotovina’s Appeal”;

**NOTING** that Rule 28(D)(ii) of the Rules of Procedure and Evidence (“Rules”) provides that, where a case has already been assigned to a Trial Chamber and where the application is made within the normal Registry hours and the Trial Chamber is unavailable, it shall be dealt with by the duty Judge if satisfied as to its urgency or that it is otherwise appropriate to do so in the absence of the Trial Chamber;

**NOTING** that, pursuant to Rule 28(F), the above provision applies *mutatis mutandis* to applications before the Appeals Chamber;

**CONSIDERING** that the Request was made within normal Registry hours, that the assigned Appeals Chamber is unavailable, and that I am satisfied that the Request is urgent or that it is otherwise appropriate to deal with it in the absence of the Appeals Chamber;

**CONSIDERING** that the Prosecution has not demonstrated good cause for the requested suspension;

**HEREBY DENY** the Prosecution's Request in so far as it seeks a suspension of the deadline for filing responses to Gotovina's Appeal.

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



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Judge Bakone Justice Moloto  
Duty Judge

Dated this 18th day of June 2010  
At The Hague  
The Netherlands

**[Seal of the International Tribunal]**