



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-95-17-A
Date: 2 February 2006
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Andréia Vaz, Presiding

Registrar: Mr. Hans Holthuis

Decision of: 2 February 2006

MIROSLAV BRALO

v.

THE PROSECUTOR

**DECISION ON MIROSLAV BRALO'S MOTION FOR
EXTENSION OF TIME TO FILE APPELLANT'S BRIEF**

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Mark J. McKeon

Counsel for the Appellant:

Mr. Jonathan Cooper

I, ANDRÉSIA VAZ, Judge of the Appeals 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 (“International Tribunal”), and Pre-Appeal Judge in the present case,¹

NOTING the Sentencing Judgement rendered by Trial Chamber III on 7 December 2005 (“Sentencing Judgement”);

NOTING the “Notice of Appeal against Sentence on Behalf of Miroslav Bralo” filed by Counsel for Miroslav Bralo (“Appellant”) on 5 January 2006;

BEING SEIZED OF the “Motion of Miroslav Bralo for Extension of Time to File Appellate Brief and Request for Expedited Decision” filed by Appellant’s Counsel on 25 January 2006 (“Motion”), in which he requests the Appeals Chamber to grant an extension of time for filing the Appellant’s brief “to no more than fifteen days of the Judgement being made available to him in BCS”;²

NOTING the “Prosecution Response to ‘Motion of Miroslav Bralo for Extension of Time to File Appellate Brief and Request for Expedited Decision’” filed by the Office of the Prosecutor of the International Tribunal (“Prosecution”) on 26 January 2006 (“Response”), in which it does not oppose to the Motion;³

NOTING that the Appellant has not filed a reply to the Prosecution’s Response;

NOTING that no translation of the Sentencing Judgement into B/C/S language has been so far served on the parties;

NOTING that the Appellant claims not to be able to read or understand English;⁴

CONSIDERING that, pursuant to Rule 111 (A) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), an appellant’s brief limited to sentencing “shall be filed within thirty days of filing of the notice of appeal pursuant to Rule 108”;

CONSIDERING that, under Rule 127 of the Rules, the Pre-Appeal Judge may, “on good cause being shown by motion”, enlarge the time limits prescribed for such filing;

¹ Order Appointing the Pre-Appeal Judge, 2 February 2006, p. 2

² Motion, para. 4

³ Response, paras. 3-8.

⁴ Motion, para. 3.

NOTING that the Registry has advised that the B/C/S translation of the Sentencing Judgement will be available on or about 15 March 2006;

CONSIDERING that it is in the interests of justice to allow the Appellant adequate time to read the Sentencing Judgement in a language he understands and to consult with Counsel before filing the Appellant's brief;⁵

CONSIDERING that "good cause" within the meaning of Rule 127 of the Rules has been shown given that the Appellant is not able to fully understand and analyse the Sentencing Judgement rendered in English;⁶

FINDING that the extension of time to fifteen days following the communication to the Appellant of the B/C/S translation of the Sentencing Judgement is reasonable and appropriate;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Motion;

ORDER the Appellant to file the Appellant's brief no later than fifteen days following the communication to the Appellant of the B/C/S translation of the Sentencing Judgement;

REQUEST the Registry to inform the Appeals Chamber and the parties when the translation of the Sentencing Judgement into B/C/S is served on the Appellant.

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

Dated this 2nd day of February 2006,

At The Hague,

The Netherlands.



Judge Andrézia Vaz, Pre-Appeal Judge

[Seal of the Tribunal]

⁵ See, e.g., *Milan Babić v. The Prosecutor*, Case No. IT-03-72-A, Decision on Motion to Extend Time for Filing of Notice of Appeal, 28 July 2004, p. 2; *Dragan Nikolić v. The Prosecutor*, Case No. IT-94-2-A, 25 March 2004, p. 3; *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A, Decision on Motions for an Extension of time to File Appellants' Notices of Appeal and Briefs, 19 December 2003, p. 4; *Samuel Imanishimwe c. Le Procureur*, Case No. ICTR-99-46-A, Décision relative à la requête de Samuel Imanishimwe aux fins de suspension du délai de dépôt du mémoire en réplique, 13 avril 2005, p. 3.

⁶ *Idem*.