



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: 13 February 2007
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Andréia Vaz, Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Decision of: 13 February 2007

MIROSLAV BRALO

v.

THE PROSECUTOR

**DECISION ON MIROSLAV BRALO'S MOTION FOR
EXTENSION OF TIME TO FILE REPLY BRIEF IN
RELATION TO HIS SECOND SUPPLEMENTAL BRIEF**

The Office of the Prosecutor:

Mr. Peter Kremer, Q.C.
Ms. Kristina Carey
Mr. Xavier Tracol

Counsel for the Appellant:

Mr. Jonathan Cooper
Ms. V. C. Lindsay

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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 (“Appeals Chamber” and “International Tribunal”, respectively), and Pre-Appeal Judge in the present case,¹

NOTING the Sentencing Judgement rendered by Trial Chamber III on 7 December 2005;

NOTING the “Notice of Appeal against Sentence on Behalf of Miroslav Bralo” filed by Counsel for Miroslav Bralo (“Appellant”) on 5 January 2006, the Appellant’s Brief filed on 30 March 2006,² the Prosecution’s response thereto filed on 2 May 2006,³ and the Brief in Reply filed on 19 May 2006;⁴

NOTING the Appeals Chamber’s confidential Decision of 12 January 2007, by which the Appeals Chamber admitted three elements of additional evidence under Rule 115 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) and allowed the Appellant to file a supplemental brief to which the Prosecution could respond within ten days and the Appellant then file a reply within four days thereafter;⁵

NOTING the “Miroslav Bralo’s Second Supplemental Brief in Support of Sub-Headings 1.2(2) and 1.3” confidentially filed by the Appellant on 30 January 2007 (“Second Supplemental Brief”);⁶

NOTING the “Prosecution’s Response to Miroslav Bralo’s Second Supplemental Brief in Support of Sub-Headings 1.2(2) and 1.3” filed confidentially on 7 February 2007 (“Response to the Second Supplemental Brief”);

CONSIDERING that, under the terms of the Decision of 12 January 2007, the dead-line for filing a reply to the Response to the Second Supplemental Brief expired on 12 February 2007;

BEING SEIZED OF the “Emergency Motion for Enlargement of Time for Filing Reply Brief in Relation to Appellant’s Second Supplemental Brief in Support of Sub-Headings 1.1(2) and 1.3 [sic]” filed by the Appellant on 12 February 2007 (“Motion”), by which the Appellant requests a two-day extension of time to file a reply to the Response to the Second Supplemental Brief;

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

² Confidential Appeal Brief on Behalf of Miroslav Bralo, 30 March 2006. A public redacted version of this brief was filed on 26 May 2006 (“Appellant’s Brief”).

³ Prosecution Respondent’s Brief to the “Appeal Brief on Behalf of Miroslav Bralo”, 2 May 2006.

⁴ Confidential Reply Brief on Behalf of Miroslav Bralo, 19 May 2006, re-filed for public access without redactions on 26 May 2006 (“Reply Brief”).

⁵ Confidential Decision on Miroslav Bralo’s Motion for Admission of Additional Evidence, 12 January 2007 (“Decision of 12 January 2007”), para. 27.

⁶ The public version of the Second Supplemental Brief was filed by the Appellant on 5 February 2007.

NOTING that, on 12 February 2007, the Prosecution has informed the Senior Legal Officer of the Appeals Chamber that it does not oppose the Motion;

NOTING that the Appellant submits that the extension of time is necessary in light of the fact that (i) the Response to the Second Supplemental Brief was filed two days before the hearing of the present appeal by the Appeals Chamber; (ii) neither of the Appellant's Counsel was able to complete work on the reply "due to the need to prepare for and deliver oral argument" and because the Appellant's Lead Counsel "had to devote two of the four days allowed for a reply in travelling to and from The Hague";⁷

CONSIDERING that, under the particular circumstances of the case where the parties have made substantial filings under an accelerated scheme encouraged by the Decision of 12 January 2007,⁸ "good cause" within the meaning of Rule 127 of the Rules has been shown given that the Appellant's Lead and Co-Counsel had to prepare for, attend, and deliver oral arguments on 9 February 2007, a date that lies within the time-period allowed for filing a reply to the Response to the Second Supplemental Brief;⁹

FINDING that the requested two-day extension of time is reasonable and appropriate;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Motion;

ORDER the Appellant to file his reply to the Response to the Second Supplemental Brief on or before 14 February 2007.

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

Dated this 13th day of February 2007,

At The Hague, The Netherlands.



Judge Andréia Vaz, Pre-Appeal Judge

[Seal of the Tribunal]

⁷ Motion, paras 4-5.

⁸ Decision of 12 January 2007, para. 27.

⁹ *Idem*.