



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: 10 January 2007
Original: English

IN THE APPEALS CHAMBER

Before:

**Judge Andréia Vaz, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Theodor Meron
Judge Wolfgang Schomburg**

Registrar:

Mr. Hans Holthuis

Decision of:

10 January 2007

MIROSLAV BRALO

v.

THE PROSECUTOR

SCHEDULING ORDER

The Office of the Prosecutor:

Mr. Peter Kremer Q.C.
Mr. Xavier Tracol

Counsel for the Appellant:

Mr. Jonathan Cooper
Ms. V. C. Lindsay

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 “Tribunal”, respectively),

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 Miroslav Bralo (“Appellant”) on 5 January 2006 and the “Appeal Brief on Behalf of Miroslav Bralo” filed confidentially on 30 March 2006 with its confidential Corrigenda filed on 25 May 2006 and its public redacted version filed on 26 May 2006 (“Appeal”);

NOTING the “Prosecution Respondent’s Brief to the ‘Appeal Brief on Behalf of Miroslav Bralo’” filed by the Office of the Prosecutor (“Prosecution”) on 2 May 2006;

NOTING that the Appellant replied on 19 May 2006;¹

NOTING that Rule 114 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) provides that “[a]fter the expiry of the time-limits for filing the briefs provided for in Rules 111, 112 and 113, the Appeals Chamber shall set the date for the hearing and the Registrar shall notify the parties”;

CONSIDERING that the briefing of the present Appeal is complete subject to the submission of a possible response from the Prosecution to the Supplemental Brief and of the Appellant’s reply thereto, pursuant to the terms of the Appeals Chamber’s Decision on Miroslav Bralo’s Motion for Leave to Supplement Appeal Brief in Light of New Information Concerning *Ex Parte* Portion of the Trial Record issued on 9 January 2007;

NOTING that one motion seeking the admission of additional evidence under Rule 115 of the Rules is currently pending before the Appeals Chamber;²

CONSIDERING that the present Scheduling Order may be amended if the Appeals Chamber’s subsequent decision on the above-mentioned pending motion warrants such amendment;

HEREBY ORDERS that the present Appeal shall be heard on Friday, 9 February 2007 at 14:15 (“Appeal Hearing”) in Courtroom 3;

CONSIDERING the need to ensure that the time allotted for the Appeal Hearing is used as efficiently as possible;

¹ Reply Brief on Behalf of Miroslav Bralo filed confidentially on 19 May 2006 with its public redacted version filed on 26 May 2006.

² Motion on Behalf of Miroslav Bralo Pursuant to Rule 115 filed confidentially 9 November 2006.

EMPHASIZING that the present order in no way expresses the Appeals Chamber's views on the merits of the Appeal;

HEREBY INVITES the parties during the course of the Appeal Hearing to develop their submissions with regard *inter alia* to the following issues, without prejudice to any other matter which the parties or the Appeals Chamber may wish to address:

(1) The Appellant's Cooperation with the Prosecution

Estimated Time

a) Questions in particular to Miroslav Bralo³

The Appellant is invited to elaborate on the standard of proof applied by the Trial Chamber when assessing the use of the Factual Basis and Statement. The Appellant is also invited to clarify his position with respect to the confidentiality of these issues.

10 min

b) Questions in particular to the Prosecution⁴

The Prosecution is invited to specify references and citations in its written and/or oral submissions before the Trial Chamber to the issue of why it considered the documents turned over by Bralo in 1997, as well as the Factual Statement, valuable or not valuable. It is also encouraged to specify how detailed its submissions were with regard to the content of these documents and the Statement.

10 min

c) Questions to both parties

The parties are invited to elaborate on their understanding of quantity and quality of information to be provided and are encouraged to support their submissions on the matter with references to national and international case-law or domestic law principles.

15 min each

The parties are further invited to address the issue of whether the *use* of documents may be taken as evidence of cooperation providing sources for their views, *e.g.*, national and international case-law or domestic law principles.

15 min each

(2) The Appellant's Personal Circumstances

Question in particular to Miroslav Bralo⁵

It is unclear whether in his written submissions concerning the personal circumstances the Appellant refers to the family house in which he was born or to the house in which he lived in 1993. The Appellant is therefore invited to clarify references given in his Appeal Brief and specify his argument relating to the location of his family home.

10 min

³ The other party may respond accordingly.

⁴ The other party may respond accordingly.

⁵ The other party may respond accordingly.

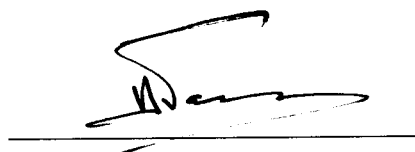
AND HEREBY INFORMS the parties that, subject to adjustments where appropriate, the timetable for the Appeal Hearing in the present case shall be as follows:

14:15 – 14:25	Introductory Statement by the Presiding Judge (10 minutes)
14:25 – 15:55	Submissions of Miroslav Bralo (1 hour 30 minutes)
15:55 – 16:15	<i>Pause (20 minutes)</i>
16:15 – 17:15	Response of the Prosecution (1 hour)
17:15 – 18:00	Reply by Miroslav Bralo (45 minutes)
18:00 – 18:15	Brief Personal Address by Miroslav Bralo (15 minutes) (<i>optional</i>)

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

Dated this 10th day of January 2007,

At The Hague, The Netherlands.



Judge Andrézia Vaz, Presiding Judge

[Seal of the Tribunal]