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16 IR-01-76-T  
04-05-2005  
(3321 - 3320)



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

3321

S. Mussa

OR: ENG

TRIAL CHAMBER I

**Before:** Judge Erik Møse, presiding  
Judge Sergei Alekseevich Egorov  
Judge Dennis C. M. Byron

**Registrar:** Adama Dieng

**Date:** 4 May 2005

2005 MAY -U P 2: 53  
ICTR  
JUDICIAL RECORDS/ARCHIVES

THE PROSECUTOR

v.

Aloys SIMBA

Case No. ICTR-01-76-T

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DECISION ON DEFENCE RENEWED REQUEST FOR SITE VISITS IN RWANDA

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**Office of the Prosecutor:**

Richard Karegyesa  
Sulaiman Khan  
Ignacio Tredici  
Amina Ibrahim

**Counsel for the Defence**

Sadikou Ayo Alao  
Beth Lyons

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA;

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**SITTING** as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Sergei Alekseevich Egorov, and Judge Dennis C. M. Byron;

**BEING SEIZED OF** the “Requête en extrême urgence de la défense en vue du transport du tribunal sur les lieux”, filed on 22 March 2005;

**HEREBY DECIDES** the motion.

## **INTRODUCTION**

1. The Defence has renewed its request for the Chamber to conduct site visits in Rwanda at a number of locations described by Prosecution witnesses and mentioned in the Indictment. The Chamber denied a similar request on 31 January 2005, but noted that the Defence was at liberty to renew its request at the close of the case.<sup>1</sup> The Defence argues that site visits will provide a greater understanding of the charges and their material probability as well as reveal the implausibility of many of the allegations and descriptions of the locations relevant to the Prosecution case.

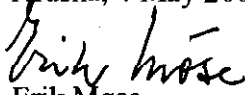
## **DELIBERATIONS**

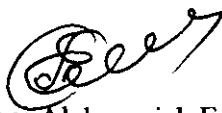
2. The need for a site visit must be assessed in view of the particular circumstances of each trial.<sup>2</sup> In view of the logistics and costs involved, a decision to carry out a site visit should preferably be made when the visit will be instrumental in the discovery of the truth and determination of the matter before the Chamber.<sup>3</sup> A site visit is not necessary in this case. The evidence on record is sufficient to allow the Chamber to make a proper assessment of the credibility of the witnesses and the charges against the Accused.


## **FOR THE ABOVE REASONS, THE CHAMBER**

**DENIES** the Defence motion.

Arusha, 4 May 2005

  
Erik Møse  
Presiding Judge

  
Sergei Alekseevich Egorov  
Judge

  
Dennis C. M. Byron  
Judge

[Seal of the Tribunal]

<sup>1</sup> *Simba*, Decision on the Defence Request for Site Visits in Rwanda (TC), 31 January 2005, para. 3.

<sup>2</sup> *Id.* at para. 2.

<sup>3</sup> *Id.* at para. 3.