



UNITED NATIONS
NATIONS UNIES

ICTR-98-41-7
11-12-2006
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

(31.807 - 31806)

31807
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ORIGINAL: ENGLISH

TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 11 December 2006

THE PROSECUTOR

v.

Théoneste BAGOSORA

Gratien KABILIGI

Aloys NTABAKUZE

Anatole NSENGIYUMVA

Case No.: ICTR-98-41-T

2006 DEC 11 A 10: 53
JUDICIAL RECORDS ARCHIVES
RECEIVED

DECISION ON BAGOSORA MOTION FOR SITE VISIT

The Prosecution

Barbara Mulvaney
Drew White
Christine Graham
Rashid Rashid
Gregory Townsend

The Defence

Raphaël Constant
Allison Turner
Paul Skolnik
Frédéric Hivon
Peter Erlinder
André Tremblay
Kennedy Ogetto
Gershom Otachi Bw'Omanwa

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

31806

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED OF the "Requête ... visant la visite du Camp de Butotori", filed by the Bagosora Defence on 18 July 2006;

HEREBY DECIDES the motion.

INTRODUCTION

1. The Bagosora Defence requests that the Chamber conduct a site visit to the Butotori training area in Gisenyi, in order to test the credibility of Prosecution and Defence witnesses and, in particular, the possibility that the Accused Bagosora participated in a meeting attended by at least one hundred persons. The Defence submits that the site visit would take no longer than half a day.

DELIBERATIONS


2. Rule 4 of the Rules of Procedure and Evidence provides that "[a] Chamber or a Judge may exercise their functions away from the Seat of the Tribunal, if so authorized by the President in the interests of justice". A site visit is justified where it would be "instrumental in the discovery of the truth and determination of the matter before the Chamber".¹


3. The Chamber considers the likely value of a site visit to the Butotori training area to be marginal to the assessment of the evidence. The testimony of the witnesses concerned was extensive, and the Chamber has ample material on which to assess their credibility and make findings of fact. Those findings are not likely to be affected by any observations that the Chamber could make during a site visit, particularly in light of the Defence submission that changes may have been made to the location since 1994.²

FOR THE ABOVE REASONS, THE CHAMBER

DENIES the motion.

Arusha, 11 December 2006


Erik Møse
Presiding Judge


Jai Ram Reddy
Judge


Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

¹ *Bagosora et al.*, Decision on Prosecutor's Motion for Site Visits in the Republic of Rwanda (TC), 29 September 2004, para. 4; *Mpambara*, Decision on the Prosecution Motion for A Site Visit (TC), 10 February 2006, para. 4.

² Motion, para. 21.

