



INTERNATIONAL  
CRIMINAL TRIBUNAL  
FOR RWANDA

ICTR-2001-73-T  
19-6-2007  
(6788 - 6486)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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Zurif

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Inés Mónica Weinberg de Roca, Presiding  
Khalida Rachid Khan  
Lee Gacuga Muthoga

**Registrar:** Adama Dieng

**Date:** 19 June 2007

**THE PROSECUTOR**

**v.**

**Protais ZIGIRANYIRAZO**

*Case No. ICTR-2001-73-T*

2007.06.19 A 11:38  
[Signature]

**DECISION ON THE PROSECUTION'S MOTION  
FOR A VIEW OF THE *LOCUS IN QUO*  
*Rule 54 of the Rules of Procedure and Evidence***

**Office of the Prosecutor:**  
Wallace Kapaya  
Charity Kagwi-Ndungu  
Sylvester Nukamazina  
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Iskandar Ismail  
Jane Mukangira

**Defence Counsel:**  
John Philpot  
Peter Zaduk

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## INTRODUCTION

1. The Prosecution, pursuant to Rules 4, 54, 73, and 89 (b) and (c) of the Rules of Procedure and Evidence (the "Rules"), moved the Chamber to conduct a site visit in the Republic of Rwanda.<sup>1</sup> At the time, the Defence responded with a request that the Chamber suspend its decision until the Defence case was well advanced and the issues in the case have been clarified. The Defence submitted that it would be making additional submissions on the sites to be visited.<sup>2</sup>

2. On 3 October 2006, the Chamber ordered the Defence to file its submissions on the sites presented in the Prosecution Motion and sites that the Defence may wish to add to the itinerary.<sup>3</sup> At a status conference with the Parties on 13 April 2007, the Chamber announced that it would like the site visit to take place during the week of 12 November 2007. On 20 April 2007, the Registry invited the Parties to file a consolidated itinerary for planning purposes. The Parties, having agreed on the locations to be visited, filed a consolidated itinerary on 23 April 2007.

## DELIBERATIONS

3. In its Order of 3 October 2006, this Chamber, following other Chambers of this Tribunal, stated that:

[...] the need for a site visit must be assessed in view of the particular circumstances of this case. A request to carry out a site visit should be granted when the visit will be instrumental to the discovery of the truth and determination of the matter before the Chamber.<sup>4</sup> Chambers of this Tribunal have granted site visits at different stages of the proceedings, such as at the end of the Prosecution and Defence cases, and during the presentation of evidence by the Defence.<sup>5</sup>

4. While site visits are not expressly provided for, Rule 4 of the Rules 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".

5. The Chamber is persuaded by the submissions of the Parties on the need for it to travel to Rwanda to visit the relevant sites. The Chamber has also reviewed the consolidated itinerary and is satisfied that the proposed sites are relevant to the charges against the

<sup>1</sup> "Prosecution Motion for a View of the Locus in Quo", filed on 17 August 2006 (the "Prosecution Motion").

<sup>2</sup> "Response to the Prosecution Motion for a View of the Locus in Quo", filed on 21 August 2006 (the "Defence Response").

<sup>3</sup> Order For Filing Submissions On The Prosecution's Motion For A View Of The Locus In Quo, 3 October 2006 ("Order of 3 October 2006").

<sup>4</sup> *Prosecutor v. Bagosora et al*, Decision on Prosecutor's Motion for Site Visits in the Republic of Rwanda, 29 September 2004, para. 4; *Prosecutor v. Rwamakuba*, Decision on Defense Motion for a View Locus in Quo, 16 December 2005, para. 6 ("Rwamakuba Decision").

<sup>5</sup> See *Rwamakuba Decision*; see *Prosecutor v. Athanase Seromba*, *Décision écrite relative à la requête du Procureur pour une visite de sites au Rwanda*, 24 March 2006.

Accused and will be instrumental in the discovery of the truth and determination of the matter before the Chamber.

**FOR THE ABOVE REASONS, THE CHAMBER**

**I. REQUESTS** the President to authorize the Chamber's exercise of its function away from the Seat of the Tribunal, pursuant to Rule 4 of the Rules; and if such authorization is granted;

**II. REQUESTS** the Registry to make all the necessary arrangements to visit the relevant sites during the week of 12-16 November 2007, and to liaise with the Parties and Chamber, to facilitate the implementation of this decision.

Arusha, 9 June 2007, in English.

Inés Mónica Weinberg de Roca  
Presiding Judge

Khalida Rachid Khan



Life Gashiga Muthoga  
Judge