

ICTR-97-36A-T  
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UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER I**

**Before Judges:** Florence Rita Arrey, Presiding  
Mparany Mamy Richard Rajohnson  
Aydin Sefa Akay

**Registrar:** Adama Dieng

**Date:** 21 April 2010

**THE PROSECUTOR**

v.

**Yussuf MUNYAKAZI**

*Case No. ICTR-97-36A-T*

JUDICIAL AUTHORITY  
2010 APR 21 15:41:17  
UNEP

**PROCEDURE DURING SITE VISIT**

**Office of the Prosecutor:**

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**Counsel for the Defence**

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**INTRODUCTION**

1. On 15 October 2009, the Defence made an oral application to the Chamber requesting a site visit to Rwanda. The Trial Chamber ordered that the Defence file its motion in writing.<sup>1</sup> On 20 October 2009, the Defence filed a motion pursuant to Rule 4 of the Rules of Procedure and Evidence (the “Rules”), asking for judicial view of the *Locus in quo*.<sup>2</sup> The Prosecution in its response stated that it would leave the issue at the discretion of the Trial Chamber.<sup>3</sup>
2. On 26 October 2009, the Chamber ordered the Defence to file an itinerary indicating the specific locations to be visited.<sup>4</sup> On 30 October 2009, the Defence filed a detailed itinerary indicating the specific locations to be visited.<sup>5</sup> During Oral arguments on 28 January 2010, the Defence further expressed the desire to have a site visit. The Prosecution reiterated its position regarding the discretion of the Chamber.<sup>6</sup>
3. On 17 March 2010, the Chamber issued its decision granting the Defence motion for judicial view of the *Locus in quo*. (“The Decision”)<sup>7</sup>

**THE CHAMBER HEREBY,**

**ORDERS** that the following Rules of Procedure and Conduct shall govern the protocol of the site visit, scheduled for May 30 to June 2, 2010;

<sup>1</sup> Transcript of 15 October 2009, p.53

<sup>2</sup> *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Yussuf Munyakazi’s Motion for Judicial View of the *Locus in Quo*, (Rule 4 of the RPE), 20 October 2009 (“Motion”)

<sup>3</sup> *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Prosecution’s Response to Yussuf Munyakazi’s Motion for Judicial View of the *Locus in Quo*, (Rule 4 of the RPE), 22 October 2009 (“Response”)

<sup>4</sup> *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Order to the Defence to file an itinerary indicating the specific locations to be visited, 26 October 2009. (“Order”)

<sup>5</sup> *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Yussuf Munyakazi’s detailed itinerary and specific locations to be visited, 30 October 2009. (“Defence Itinerary”)

<sup>6</sup> Transcript of 28 January 2010 pp2-3

<sup>7</sup> *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Decision on Yussuf Munyakazi’s Motion for Judicial View of the *Locus in Quo*, 17 March 2010

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Participants in the Site Visit

- I. The Prosecution and the Defence shall each be represented during the site visit by one Counsel and one Investigator.

Procedure on Site

- II. The Parties' investigators will guide the site visit participants to the specific locations to be visited as detailed in the site visit itinerary of the Decision of 17 March 2010. (Annex A-Itinerary for site visit).<sup>8</sup>
- III. Upon arrival at a location, the Bench shall briefly introduce the location. Where necessary, Counsel for the Prosecution and the Defence may then make observations of a strictly factual nature, without giving any commentary regarding events that are alleged to have occurred there. The Parties may refer to the Indictment for purposes of referencing.
- IV. Observations of a factual nature are those which pertain to what can be observed or perceived, such as the distance to or visibility of an area and the condition in which a specific place is found. Submissions of an argumentative or legal nature will not be allowed.
- V. Neither Party shall seek the admission of evidence throughout the entire duration of the site visit.
- VI. At any time during the visit to a location, the Judges may make observations and may address the site visit participants with questions.

Record of the Site Visit

- VII. The Registrar shall take notes on locations, distances and the visibility at the various locations as agreed by the parties and ordered by the Chamber. These notes shall be subsequently admitted into evidence.

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<sup>8</sup> *Prosecutor v. Munyakazi*, ICTR-97-36A-T, Decision on Yussuf Munyakazi's Motion for Judicial View of the *Locus in Quo*, Annex A- Itinerary for Site Visit, 17 March 2010

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VIII. A video recording shall be made during the site visit. Video footage from the site visit may be subsequently admitted into evidence.

Arusha, 21 April 2010, done in English.



Florence Rita Arrey

Presiding Judge



Mparany Mamy Richard  
Rajohnson

Judge



Aydin Sefa Akay

Judge

[Seal of the Tribunal]

