

BEFORE TRIAL CHAMBER I SECTION A

Before:

**Judge Liu Daqun, Presiding
Judge Maureen Harding Clark
Judge Fatoumata Diarra**

Registrar:

Mr. Hans Holthuis

Order of:

5 October 2001

PROSECUTOR

v.

**MLADEN NALETILIC aka "TUTA"
and
VINKO MARTINOVIC aka "STELA"**

DECISION ON MOTION FOR ON-SITE VISIT

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

**Mr. Kresimir Krsnik, for Mladen Naletilic
Mr. Branko Seric, for Vinko Martinovic**

TRIAL CHAMBER I, SECTION A ("the 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 ("the Tribunal");

BEING SEISED OF the "Motion Pursuant [sic] Rule 41 of the Rules of Procedure and Evidence and Pursuant to the Inherent Authority of the Trial Chamber", filed by Counsel for Mladen Naletilic on 31 August 2001 ("the Motion");

NOTING the oral response by the Prosecutor on 11 September 2001;

NOTING the oral reply by Counsel for Mladen Naletilic on 11 September 2001;

CONSIDERING that the Motion requests the Chamber to undertake an on-site visit "to the locals and places as encompassed in the Indictment, prior to the submission of evidence" as that would be of assistance to the Chamber "in evaluating said evidence and in considering what weight it should assign to said evidence" and that it is argued in the Motion that a denial of the Motion would "cause the Accused to be unable to receive a full and fair Trial", which is guaranteed by Article 21 of the Statute;

CONSIDERING that an on-site visit is not required in order to guarantee a fair hearing under Article 21 of the Statute;

CONSIDERING that the Chamber, following consultation with the Security Section of the Tribunal, is of the opinion that an on-site visit at this stage is not advisable;

CONSIDERING that in the event the Chamber is of the opinion that an on-site visit would assist it in assessing the evidence at a later stage of these proceedings, the Chamber will make such decision *proprio-motu*;

FOR THE FOREGOING REASONS

DENIES the Motion

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

Dated this fifth day of October 2001,
At The Hague,
The Netherlands

Judge Liu Daqun
Presiding Judge

[Seal of the Tribunal]