



**International Tribunal for the  
Prosecution of Persons Responsible for  
Serious Violations of International  
Humanitarian Law Committed in the  
Territory of Former Yugoslavia since  
1991**

**Case No. IT-04-84-T**  
**Date: 2 October 2007**  
**Original: English**

**IN TRIAL CHAMBER I**

**Before: Judge Alphons Orie, Presiding  
Judge Frank Höpfel  
Judge Ole Bjørn Støle**

**Registrar: Mr Hans Holthuis**

**Decision of: 2 October 2007**

**PROSECUTOR**

v.

**RAMUSH HARADINAJ  
IDRIZ BALAJ  
LAHI BRAHIMAJ**

***PUBLIC***

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**DECISION ON PROSECUTION'S MOTION FOR SITE VISIT**

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**Office of the Prosecutor**

Mr David Re  
Mr Gramsci di Fazio  
Mr Gilles Dutertre  
Mr Philip Kearney

**Counsel for Ramush Haradinaj**

Mr Ben Emmerson, QC  
Mr Rodney Dixon  
Ms Susan L. Park

**Counsel for Idriz Balaj**

Mr Gregor Guy-Smith  
Ms Colleen Rohan

**Counsel for Lahi Brahimaj**

Mr Richard Harvey  
Mr Paul Troop

1. On 7 September 2007, the Prosecution filed a confidential motion for a site visit, requesting the Trial Chamber (“Chamber”) to seek authorization from the President of the Tribunal pursuant to Rule 4 of the Rules of Procedure and Evidence to conduct a site visit to locations in Kosovo related to this case.<sup>1</sup>

2. The Prosecution submitted that:

A site visit of the area would give the Trial Chamber a proper impression – which cannot be gained from photographs and videos - of the small geographic area in which the crimes are alleged to have been committed. It would further the interests of justice by giving the Trial Chamber a first-hand observation of the geography, topography and the physical relationships between the locations referred to in the evidence and described in the indictment.

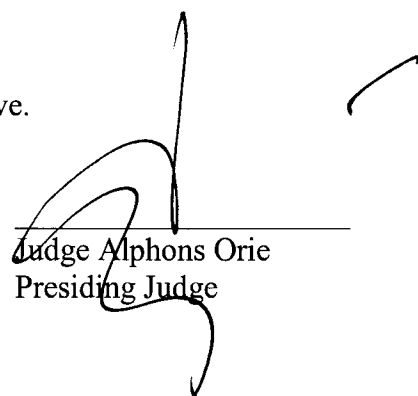
A site visit would also greatly enhance the Trial Chamber’s existing understanding of the terrain, locations, distances and other topological aspects. It would enable the Trial Chamber to understand the relevant locations in their proper context.<sup>2</sup>

3. On 13 September 2007, the Defence for the three Accused informed the Chamber that they took a neutral position on the motion.<sup>3</sup>

4. In the view of the Chamber, the geography of the area of Dukagjin and any other relevant surrounding locations can be sufficiently comprehended from the evidence already available to the Chamber, including numerous maps, (aerial) photographs and video recordings. The Chamber is not convinced of the need for a site visit in this case, which moreover would require considerable expenditure and significantly prolong the proceedings.

5. In the exercise of its discretion, the Chamber therefore **DENIES** the Motion and **ORDERS** its reclassification from confidential to public.

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



Judge Alphons Orie  
Presiding Judge

Dated this 2<sup>nd</sup> day of October 2007  
At The Hague  
The Netherlands

[Seal of the Tribunal]

<sup>1</sup> Prosecution’s Motion for Site Visit, 7 September 2007, para. 6, Annex A.

<sup>2</sup> Ibid., paras 4-5.

<sup>3</sup> T. 8438.