



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-04-81-T

Date: 21 May 2009

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Pedro David
Judge Michèle Picard

Registrar: Mr. John Hocking

Order of: 21 May 2009

PROSECUTOR

v.

MOMČILO PERIŠIĆ

CONFIDENTIAL

**ORDER ON SITE VISIT
WITH ANNEX CONTAINING RULES OF PROCEDURE
AND CONDUCT DURING SITE VISIT**

The Office of the Prosecutor

Mr. Mark Harmon
Mr. Daniel Saxon

Counsel for the Accused

Mr. Novak Lukić
Mr. Gregor Guy-Smith

TRIAL CHAMBER I (“Trial 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 (“Tribunal”);

NOTING Rule 4 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), according to which “[a] Chamber may exercise its functions at a place other than the seat of the Tribunal, if so authorised by the President in the interests of justice”;

NOTING that the indictment against Momčilo Perišić (“Indictment”) covers sites where crimes are alleged to have occurred which are located in Croatia (Zagreb) and Bosnia and Herzegovina (Sarajevo and Srebrenica);

FINDING that it would be of assistance to the Trial Chamber to conduct a site visit, together with the Parties, to locations relevant to the present case in order to gain a better understanding of the facts at issue;

NOTING the authorisation given by the President of the Tribunal;

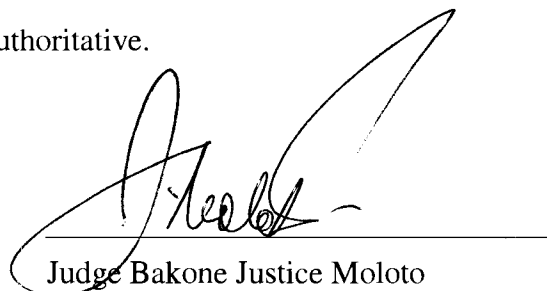
PURSUANT TO Rules 4 and 54 of the Rules

ORDERS as follows:

- (1) A site visit shall be conducted during the week of 22 June 2009 to relevant sites referred to in the Indictment;
- (2) The Rules of Procedure and Conduct attached to this Order as Annex A shall govern the protocol of the site visit; and

INSTRUCTS the Registry, in collaboration with the Chamber's Legal Officer, to facilitate the practical arrangements necessary to ensure a smooth conduct of the site visit.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this twenty-first day of May 2009

At The Hague

The Netherlands

[Seal of the Tribunal]

CONFIDENTIAL ANNEX A**RULES OF PROCEDURE AND CONDUCT
SITE VISIT IN *PROSECUTOR V. PERIŠIĆ***The Role of the Parties' Investigators

1. The parties' investigators will guide the site visit participants to the specific locations to be visited as detailed in the site visit itinerary.
2. Upon arrival at a location, and until the site visit at that location has concluded, the investigators may not confer with either Prosecution or Defence counsel.

Procedure on Site

3. Upon arrival at a location, the Presiding Judge will 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 which are alleged to have occurred there. The parties may refer to the indictment for purposes of referencing.
4. 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 be disallowed.
5. Neither party shall seek the admission of evidence throughout the entire duration of the site visit.
6. At any time during the visit to a location, the Judges may make observations and may address the site visit participants with questions.
7. After any observations have been made at a location, the Presiding Judge shall conclude the site visit at that location.

Record of the Site Visit

8. The Judges may request a representative of the Registry to photograph certain locations. The location depicted by the photograph shall be noted in the record. Photographs may be admitted into evidence at a later stage.

9. Specific observations by the Judges may be recorded using an audio-recorder. This recording will be transcribed upon return of the Trial Chamber to The Hague. The transcript will subsequently be admitted into evidence.