



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

Case No.: IT-95-5/18-T

Date: 15 November 2010

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 15 November 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

CONFIDENTIAL

ORDER ON SUBMISSIONS FOR A SITE VISIT

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

THIS 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”), *proprio motu*, issues this Order in relation to a site visit to Sarajevo, Bosnia and Herzegovina.

1. On 28 September 2010, the Accused raised the issue of a potential site visit by the Chamber to locations relevant to the Indictment in Sarajevo.¹ The Chamber invited written submissions from the parties as to proposed sites, itinerary, timing, and participants.²

2. On 6 October 2010, the Accused filed his submission stating that he believes a site visit would be beneficial for the Chamber and that he could provide a list of locations for Sarajevo.³ The Accused also states that he is not, at this time, in a position to identify locations for the municipalities and Srebrenica parts of the case. Further, the Accused requests to be present at any site visit conducted by the Chamber.⁴

3. On 7 October 2010, the Office of the Prosecutor (“Prosecution”) filed its submission stating that it does not request a site visit at this time.⁵ The Prosecution asserts that it is not currently able to assess which sites should be visited during any site visit related to the Indictment as a whole because the Accused’s position with respect to each of the charges against him is only being revealed on an ongoing basis during the course of his cross-examination.⁶

4. During the proceedings on 14 October 2010, the presiding Judge noted that although it is not currently seised of a motion for a site visit, the Chamber is of the view that a site visit to certain locations in and around Sarajevo may be helpful and is being contemplated.⁷

5. Having considered the matter further, the Chamber remains of the view that it would be assisted by conducting a visit to certain locations in and around Sarajevo relevant to the crimes alleged in the Indictment. Ideally, the site visit to Sarajevo would be conducted at the end of the presentation of Sarajevo-related evidence by the Prosecution while the evidence is fresh in the minds of the Judges, and occur in the spring of 2011.

6. The Chamber emphasises that the purpose of such a site visit would not be to gather evidence or receive any submissions from the parties. Rather, it is intended to permit the

¹ Hearing, T. 7073 (28 September 2010).

² Hearing, T. 7076– 7077 (28 September 2010) (private session).

³ Submission on Site Visit, 6 October 2010, para. 3.

⁴ Submission on Site Visit, 6 October 2010, para. 4.

⁵ Prosecution’s Submission on Site Visit, 7 October 2010, para. 1.

⁶ Prosecution’s Submission on Site Visit, 7 October 2010, para. 2.

Chamber to become more familiar with the topography of certain key locations and thus assist its determination of the charges in the Indictment related to Sarajevo. For this reason, the Chamber does not consider it necessary or appropriate for the Accused to himself participate in the site visit. However, both the Accused and the Prosecution would be entitled to nominate someone from their respective teams who would accompany the Chamber during the site visit. Such a person should themselves be intimately familiar with Sarajevo and the locations therein that are relevant to the Indictment and need not be counsel or a legal associate given the anticipated limited nature of their role. The Chamber invites the Accused and the Prosecution to make submissions on these matters.

7. In addition, the Chamber would benefit from hearing from the parties on the locations that might be included in a Sarajevo site visit and a potential itinerary, including whether any of the interiors of the proposed locations would need to be visited. Annex A to this Order provides a non-exhaustive list of locations that may be included in the itinerary. The Chamber invites the parties to make submissions on these, as well as any additional or alternative locations the parties consider should be added to this list.

8. Finally, the Chamber would be assisted by the parties' submissions on the process by which the site visit could be organised, in particular with regard to who should take primary responsibility for conducting the initial assessment of the locations, itinerary, and other related matters. It notes that in a previous site visit involving a self-represented accused, a Registry investigator was tasked with this responsibility rather than an investigator or other person working for the Prosecution.

9. The Chamber reminds the parties that the organisation of a site visit requires significant advance planning and their co-operation, and is subject to approval by both the President and the Registrar of the Tribunal. Moreover, any site visit to Sarajevo conducted in the spring of 2011 does not necessarily preclude the possibility of a future site visit to other locations relevant to the Indictment, which is a matter the Chamber will consider at the close of the Prosecution's case.

10. The Chamber also reminds the parties of the necessity to maintain the confidentiality of any discussion pertaining to the potential site visit referred to in this Order.

⁷ Hearing, T. 7959 (14 October 2010) (private session).
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Disposition

11. Accordingly, the Chamber, pursuant to Rule 54 of the Rules, hereby **ORDERS** the parties, by 16 December 2010, to file their submissions on a confidential basis, addressing the following matters:

- i. the proposed locations in and around Sarajevo to be included in a site visit and a preliminary itinerary for the same;
- ii. the participants in such a site visit, particularly addressing who (by function if not by name) each party would nominate to accompany the Chamber; and
- iii. any other relevant matter.

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



Judge O-Gon Kwon
Presiding

Dated this fifteenth day of November 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX A

Potential Sarajevo Sites:

1. Zmaja od Bosne Street
 - a. Maršal Tito Barracks
 - b. Holiday Inn
 - c. State Hospital
2. Dobrinja
3. Alipašino Polje
 - a. PTT building
 - b. Bristol Hotel
 - c. BiH TV building
4. Baščaršija/Old Town
5. Centre of Sarajevo
6. Sedrenik
7. Hrasnica
8. Širokača
9. Grbavica
 - a. Metalka building
 - b. Jewish cemetery
10. Miljacka river
11. Mt. Igman
12. Mt. Mojmilo
13. Mt. Trebević
14. Ilidža
15. Vogošća
16. Nedžarići
17. Sarajevo airport
18. Žuc hill