

UNITED
NATIONS



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

DECISION ON PROSECUTION'S MOTION FOR SITE VISIT

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.¹

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.

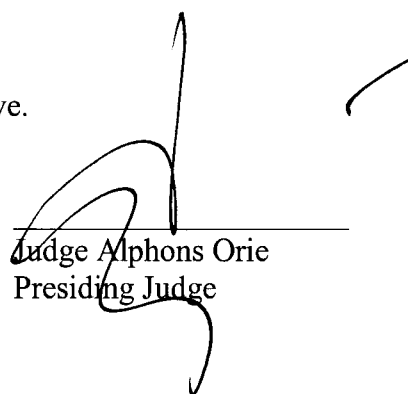
A site visit would also greatly enhance the Trial Chamber's existing understanding of the terrain, locations, distances and other topological aspects. It would enable the Trial Chamber to understand the relevant locations in their proper context.²

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

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 2nd day of October 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Prosecution's Motion for Site Visit, 7 September 2007, para. 6, Annex A.

² Ibid., paras 4-5.

³ T. 8438.