

ICTR-2001-73-T
30-10-2006
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UNITED NATIONS
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Before Trial Chamber III

Judge Inès R Weinberg de Roca, Presiding
Judge Khalida R Khan
Judge Lee G. Muthoga

Registrar: Mr. Adama Dieng

Date filed: 30th October 2006

The PROSECUTOR
v
Protais ZIGIRANYIRAZO
Case no: ICTR-2001-73-T

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**PROSECUTION RESPONSE TO DEFENCE SUBMISSIONS IN RESPECT TO THE
SITES TO BE VISITED IN THE PROSECUTION MOTION FOR A VIEW OF THE
LOCUS IN QUO**

For the Prosecutor:

Mr. Wallace Kapaya – Senior Trial Attorney
Ms. Charity Kagwi-Ndungu – Trial Attorney
Mr. Sylver Ntukamazina – Trial Attorney
Ms. Gina Butler – Assistant Trial Attorney
Mr. Islander Ismail – Assistant Trial Attorney
Ms. Jane Mukangira – Case Manager

For the Defense:

Mr. John Philpot – Lead Counsel
Mr. Peter Zaduk – Co-Counsel

PROSECUTION RESPONSE TO DEFENCE SUBMISSIONS IN RESPECT TO THE SITES TO BE VISITED IN THE PROSECUTION MOTION FOR A VIEW OF THE LOCUS IN QUO

- 1. The Prosecutor is in receipt of the defence submissions in respect to the sites to be visited in the prosecution motion for a view of the locus in quo dated October 24th 2006.

PROSECUTION SUBMISSION

- 2. The Prosecutor has no objection to the additional sites proposed by the defence but does not agree with the defence arguments as stated in paragraph 7 of the defence submissions on the purpose of the visit to the proposed sites.
- 3. The Prosecution submits that the purpose of the view of the locus in quo is to allow the Judges as triers of fact to assess issues of visibility, the layout of buildings and the main geographical features, distances between locations and correlative proximity of the main sites in order to reach a fair and expeditious determination of the disputed issues.
- 4. In response to defence submissions and objections to some of the sites proposed by the prosecution, the prosecution submits that all the sites proposed are relevant to the determination of the truth and will assist the Chamber in fully and properly evaluating witness testimonies.
- 5. The Prosecution submits that the Kanombe State House site is one of the principal sites to be visited. The evidence surrounding the accused's presence at this location goes to the very heart of the case against him. The view of the locus in quo of this particular site will help illustrate the distance between the Kanombe State House and the home of the Accused in Kiyovu. It will also assist the Court in evaluating the credibility of defence and prosecution witnesses that deal with the Alibi of the accused with regard to his whereabouts between the 6th and 12th of April 1994.
- 6. The Prosecution submits further that the Commune Rouge is a crucial site for a view of the locus quo. Evidence was adduced by witness AVY that Stansilas Sinibagigwe was taken to the Commune Rouge on the orders of the accused for execution. Since the Court will be viewing the La Corniche road block as agreed by both parties, it is

the Prosecution's submission that it will be crucial for the Judges to appreciate the location of the Commune Rouge and its proximity to the La Corniche road block in Gisenyi.

RELIEF SOUGHT

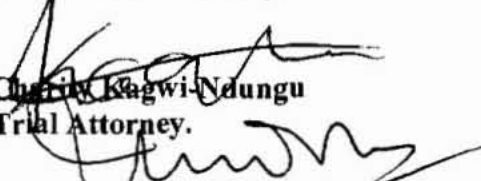
8 The Prosecutor respectfully requests that the Trial Chamber

- (a) Grants the Prosecution motion for a view of all the sites requested in its motion for a view of the locus in quo
- (b) Grants the Defence request for a view of the sites they have requested.
- (c) Orders the parties in conjunction with the registry to work out the modalities of the sites to be visited

Presented for filing this 30th day of October 2006.

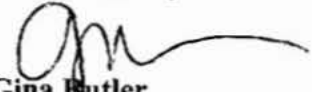


Wallace Kapaya
Senior Trial Attorney.



Cheryl Kagwi-Ndungu
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TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION

(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Wallace Kapaya (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Protais Zigiranyirazo		Case Number: ICTR-2001-73-T	
Dates:	Transmitted: 30/10/06		Document's date: 30/10/06	
No. of Pages:	3	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	PROSECUTION RESPONSE TO DEFENCE SUBMISSIONS IN RESPECT TO THE SITES TO BE VISITED IN THE PROSECUTION MOTION FOR A VIEW OF THE LOCUS IN QUO			
Classification Level:	<input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public			
TRIM Document Type:	<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties <input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties <input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars <input type="checkbox"/> Judgement <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities			

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II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and will not submit any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation

Filing Party hereby submits BOTH the original and the translated version for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party will be submitting the translated version(s) in due course in the following language(s):

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:

