

ICTR-00-55C-T

The Prosecutor v. Ildephonse NIZEYIMANA (Case No. ICTR-2000-55C-T)

57449
AM

03-03-2011
(5449-5447)
International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda



UNITED NATIONS
NATIONS UNIES

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 27 2504207-11 2504367-72 or 1 212 963 2850 Fax: 255 27 2504000/2504373 or 1 212 963 2848/49

TRIAL CHAMBER III

Before: Judge Lee Gacuiga Muthoga, Presiding
Judge Seon Ki Park
Judge Robert Fremr

Registrar: Adama Dieng

Filed on: 3 March 2011

THE PROSECUTOR
V.
Ildephonse NIZEYIMANA
(CASE No. ICTR-00-55C-T)

Prosecutor's Submissions Regarding Scheduling & Site Visit

JUDICIAL
CONFERENCE
RECEIVED
ARCHIVE

2011 MAR -3 P 1: 32

Counsel for the Prosecutor:
Drew White
Kirsten Gray
Yasmine Chubin
Zahida Virani

Counsel for the Accused:
John Philpot
Cainnech Lussiaà-Berdou
Myriam Bouazdi

MAY IT PLEASE THE TRIAL CHAMBER:

1. The Prosecution hereby provides the submissions as requested by the Trial Chamber during the courtroom proceedings at the close of the Prosecution case-in-chief on 25 February 2011.

The Prosecution Submissions:

2. With regard to the query concerning the potential sequencing of a possible Site Visit, filing of Closing Briefs and Oral Arguments, the Prosecution respectfully submits that the preferred and logical sequence is in the order: site visit / closing briefs / oral arguments.
3. With regard to the issue of the timing of the above final sequence, the Prosecution respectfully submits that the site visit should precede the closing briefs by not less than two weeks and that the closing briefs precede the oral arguments by not less than two weeks. Further, it is respectfully submitted that the simultaneous filing of the closing briefs should follow the close of the evidence by not less than six weeks.
4. Taking the above sequence and timing into consideration, and allowing that the evidence will conclude at the latest by the end of June 2011, the Prosecution suggests the following potential dates for the final sequence:
 - i) Conclusion of evidence: June 15-30;
 - ii) Site Visit to commence between: August 1-15
 - iii) Closing Briefs to be filed between: August 15-30
 - iv) Oral Arguments to be heard between: September 1-30
5. The Prosecution has considered the issue of the amount of time that might be required for a site visit. Given that (except for possibly visiting Mata and Cyahinda parish, each approximately a one-hour drive out of Butare-town in opposite directions) the key places to be visited are all within 2000 metres of the 'MRND palace' meeting hall in the centre of Butare-town, it is believed that the Butare-town sites could all be visited in the course of a single day, and that another single day might be used to visit both Cyahinda and Mata. That two-day visit would also need to have an administrative / travel day on either side, so that a total of four days might be necessary.

5447

6. Without attempting to be either comprehensive or overly specific in terms of the key places to visit, the Prosecution respectfully submits that it would be likely to include the following:
 - i) Butare main street;
 - ii) ESO;
 - iii) Hospital;
 - iv) University;
 - v) Groupe Scolaire.
7. Concerning the potential modalities of a site visit, the Prosecution respectfully submits that those modalities have been recently administered effectively in other proceedings, such as the *Gatete* case, and that Defence teams have been able to send representatives to attend and participate fully in the process.
8. The Prosecution submission is that a site visit should be conducted in a manner consistent with an 'observational' model, rather than an 'inquisitorial' model. To that end, the Prosecution respectfully submits that the role of counsel or investigators during the visit would not include making oral submissions, save and except where there might be an issue as to whether the site itself is incorrect. For the purpose of avoiding a search for the correct site during the official visit, it would be effective for single representatives of the parties to circulate together to the respective sites well in advance of the Judicial entourage, and accurately identify with a Registry representative the sites which the Judges will visit.
9. The Prosecutor further submits that such a process of observing would not include generating new items to be admitted into evidence, such as photographs, audiotapes, transcripts or enquiries. Clearly, any official record to be created during the site visit ought to be within the administrative discretion of the Trial Chamber.
10. Lastly, the Prosecution preference would be to consult with Defence and work out a list of selected locations to visit, and to designate a representative of each team to accompany the Judicial entourage.

Respectfully submitted,

Dated in Arusha, Tanzania this 3rd day of March 2011.


Drew White
Prosecution Counsel



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 type="checkbox"/> Trial Chamber III C. K. Hometowu
	<input type="checkbox"/> OIC, JLSD P. Besnier	<input type="checkbox"/> OIC, JPU C. K. Hometowu	<input type="checkbox"/> F. A. Talon (Appeals/Team IV)
	<input checked="" type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison		
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Drew White (names)
	<input type="checkbox"/> Other: (names)		
Case Name:	The Prosecutor vs. NIZEYIMANA, Ildephonse		Case Number: ICTR-00-55C-T
Dates:	Transmitted: 3 March 2011		Document's date: 3 March 2011
No. of Pages:	3 + CMS form	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	Prosecutor's Submissions Regarding Scheduling & Site Visit		
Classification Level:	TRIM Document Type:		
<input type="checkbox"/> Ex Parte	<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal	<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential	<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Judgement	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
			<input type="checkbox"/> Submission from non-parties
			<input checked="" type="checkbox"/> Submission from parties
			<input type="checkbox"/> Accused particulars

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

CMS SHALL take necessary action regarding translation.			
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and will not submit any translated version.			
<input type="checkbox"/> Reference material is provided in annex to facilitate translation.			
Target Language(s):			
<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda	
CMS SHALL NOT take any action regarding translation.			
<input type="checkbox"/> Filing Party hereby submits BOTH the original and the translated version for filing, as follows:			
Original	in	<input checked="" 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.			
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s):			
<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda	
KINDLY FILL IN THE BOXES BELOW			
<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <ul style="list-style-type: none"> <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:		<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	

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: