



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER I

Original : English

Before:

Judge Navanethem Pillay, Presiding
Judge Erik Møse
Judge Asoka de Zoysa Gunawardana

Registry: Ms Aminatta N'gum

Decision date: 26 September 2000

THE PROSECUTOR

v.

**FERDINAND NAHIMANA
HASSAN NGEZE
JEAN BOSCO BARAYAGWIZA**

(Case No. ICTR-99-52-I)

ORDER FOR TEMPORARY TRANSFER OF THREE DETAINED WITNESSES (AFZ, AGI, AHA) PURSUANT TO RULE 90bis OF THE RULES OF PROCEDURE AND EVIDENCE

Office of the Prosecutor:

M. Bernard A. Muna
M. N. Sankara Menon
M. Alphonse Van

Counsels for the Accused:

M. Jean Marie Biju-Duval
Ms Diana Ellis
M. John Floyd III

Ms Carmelle Marchessault
M. David Danielson

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("the Tribunal")

SITTING AS Trial Chamber I composed of Judge Navanethem Pillay, Presiding, Judge Erik Møse and Judge Asoka de Zoysa Gunawardana;

BEING SEIZED of the Prosecutor's motion for an order for the transfer of detained witnesses pursuant to Rule 90 *bis* of the Rules of Procedure and Evidence ("the Rules"), filed on 8 September 2000 ;

CONSIDERING that the Defence did not file any response to the said motion and indicated at the hearing of 19 September 2000 that they had no objection to the motion;

CONSIDERING that, according to the Prosecutor, the witnesses are detained in Rwanda, at the Gisenyi prison and at the Muhima and Remera prisons in Kigali.

CONSIDERING that Rule 90 *bis* (B) of the Rules requires that a transfer order shall be issued only after prior verification that the following conditions are met :

"(i) the presence of the detained witness is not required for any criminal proceedings in progress in the territory of the requested State during the period the witness is required by the Tribunal ;

(ii) transfer of the witness does not extend the period of his detention as foreseen by the requested State."

THE TRIBUNAL

SATISFIED that these conditions have been met in the present case.

HEREBY

ORDERS, pursuant to Rule 90 *bis* of the Rules, that the three witnesses with pseudonyms as AFZ, AGI and AHA shall be transferred temporarily to the Tribunal's Detention Facilities in Arusha until such a time as they have completed their testimony in the trial of the accused.

REQUESTS the Government of Rwanda to comply with this order and to arrange for the transfer in liaison with the Registrar of the Tribunal and the Tanzanian Government ;

INSTRUCTS the Registrar to :

- transmit this order to the Governments of Rwanda and Tanzania ;
- ensure the proper conduct of the transfer, including the supervision of the witnesses in the Detention Unit of the Tribunal ; and to

- remain abreast of any changes which might occur regarding the conditions of detention provided for by the requested State and which may possibly affect the length of the temporary detention and, with the shortest delay, inform the Trial Chamber of any such change.

Arusha, 26 September 2000

Navanethem Pillay

Presiding Judge

Asoka de Zoysa Gunawardana

Judge

Erik Møse

Judge

Seal of the Tribunal