

ICTR-95-1A-T
17-JAN-2000
(571-589)

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International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000 504373 or 1 212 963 2848 49

TRIAL CHAMBER I

OR:ENG

Before: Judge Erik Møse, Presiding

Registry: Ms Mariann Ben Salimo

Decison of: 17 January 2000

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ICTR
REGISTRY
RECEIVED

THE PROSECUTOR
VERSUS
IGNACE BAGILISHEMA

Case No. ICTR-95-1A-T

ORDER FOR TEMPORARY TRANSFER
OF THREE DETAINED WITNESSES (Y, Z, AA)
PURSUANT TO RULE 90 bis OF THE RULES OF PROCEDURE AND EVIDENCE

The Office of the Prosecutor:

Ms. Jane Anywar Adong
Mr. Charles Adeogun-Phillips
Mr. Wallace Kapaya

Counsel for the Accused:

Mr. Francois Roux
Mr. Masoufa Diabira
Ms. Helen Unac

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: AMINATTA L.R. N'GUM
SIGNATURE: [Signature] DATE: 17/01/2000

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

1. Sitting in the person of Judge Erik Møse, Presiding Judge, Trial Chamber I has been seized of a Prosecutor's motion, in the case *The Prosecutor v. Ignace Bagilishema* (Case No. ICTR-95-1A-T), dated 14 January 2000, requesting an order pursuant to Rule 90 *bis* of the Tribunal's Rules of Procedure and Evidence ("the Rules") for temporary transfer of three detained witnesses under the pseudonyms Y, Z and AA from Rwanda to the seat of the Tribunal in Arusha.
2. According to the Prosecutor, the witnesses are detained at the central Prison in the Prefecture of Kibuye.
3. A summary of expected testimony of these three witnesses has been submitted by the Prosecutor in her final list of witnesses of 27 October 1999.
4. Provisions in Rule 90 *bis* (B) require 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 named in the Prosecutor's motion and pseudonymed therein as witnesses Y, Z and AA, shall be transferred temporarily to the Tribunal's Detention Facilities in Arusha for a period not exceeding one month from 21 January 2000, in order to testify 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, 17 January 2000



Erik Mose
Presiding Judge

