

# International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda

Case No.: ICTR-96-4-T

# THE TRIBUNAL

Before:

President Laïty Kama

Registrar:

Andronico O. Adede

Date:

29 October 1996

#### THE PROSECUTOR

VS

# JEAN-PAUL AKAYESU

ORDER FOR TRANSFER OF A DETAINED WITNESS PURSUANT TO RULE 90 BIS

The Prosecutor:

Mr. Yacob Haile-Mariam

Mr. Pierre-Richard Prosper

Ms. Sara Dareshori

Ms. Rosette Muzigo-Morrison

Counsel for the Accused: Mr. Johan Scheers

ICTR
RECEIVED
29 OCT 1996
ACTION: Registrar
COPY:

### ORDER FOR TRANSFER OF A DETAINED WITNESS PURSUANT TO RULE 90bis

# IN THE CASE ICTR-96-4-T

#### THE PROSECUTOR VS. JEAN-PAUL AKAYESU

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, ("The Tribunal"), sitting as President Laïty Kama,

CONSIDERING the Tribunal's decision of 16 February 1996 confirming the indictment against the accused.

BEING SEIZED by the Prosecutor's application of 23 October 1996 requesting an order for temporary transfer of a detained witness from Rwanda to the seat of the Tribunal in Arusha pursuant to Rule 90 bis of the Rules of Procedure and Evidence ("the Rules"),

TAKING INTO CONSIDERATION the letter of 22 October 1996 from the Rwandese Ministry of Justice to the Tribunal's Deputy Prosecutor, in which it is confirmed that the presence of the witness in question is not required for any criminal proceedings in Rwanda for a period of two months from the date of the letter,

NOTING that the witness in question is currently detained in the Taba Commune Prison in the Prefecture of Gitarama in Rwanda,

TAKING INTO CONSIDERATION that the trial against the accused will begin on 31 October 1996,

TAKING INTO ACCOUNT the provisions in Rule 90 bis (B), which requires that a transfer order shall be issued only after prior verification that

- "(i) the presence of the detained witness is not required for any criminal proceedings in progress in the territory if 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,

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

HEREBY ORDERS that the witness Benjamin BAGABO, born in 1971 in Taba Commune, Gitarama Prefecture, shall be transferred temporarily to the Tribunal's Detention Facilities in Arusha for a period not exceeding two months from 22 October 1996, in order to testify in the trial against the accused;

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

### INSTRUCTS the Registrar to:

- transmit this order to the Government of Rwanda and the Government of Tanzania; and to
- ensure the proper conduct of the transfer, including the supervision of the witness 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, as promptly as possible, inform the Judge of any such change.

Arusha, 29 October 1996

For the International Criminal Tribunal for Rwanda,

Laïty Kama President

