

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

Arusha International Conference Centre
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TRIAL CHAMBER I

Before Judges: Laïty Kama, Presiding
Lennart Aspegren
Navanethem Pillay

Registry: Frédéric Harhoff

Date: 31 October 1997

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ICTR
COURT REGISTRY
RECEIVED

**THE PROSECUTOR
versus
JEAN-PAUL AKAYESU**

Case No. ICTR-96-4-T

**ORDER FOR TEMPORARY TRANSFER OF THREE DETAINED WITNESSES
PURSUANT TO RULE 90bis OF THE RULES OF PROCEDURE AND EVIDENCE**

Office of the Prosecutor:

Mr. Pierre-Richard Prosper
Ms Sara Dareshori
Ms Patricia Sellers

Counsel for the Defense:

Mr. Nicolas Tiangaye

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

SITTING AS Trial Chamber I composed of Judge Laïty Kama as Presiding Judge, Judge Lennart Aspegren and Judge Navanethem Pillay;

CONSIDERING the Tribunal's Decision of 16 February 1996 confirming the indictment against the accused Jean-Paul AKAYESU, and the Tribunal's Decision of 17 June 1997 to amend the said indictment;

BEING SEIZED by the Defense Counsel's motion of 30 October 1997 requesting an order pursuant to Rule 90*bis* of the Tribunal's Rules of Procedure and Evidence ("the Rules") for temporary transfer of three named witnesses from Rwanda to the seat of the Tribunal in Arusha;

NOTING that the witnesses in question are currently detained in the Taba Communal Prison in the Prefecture of Gitarama in Rwanda;

TAKING INTO CONSIDERATION the letter of 30 October 1997 addressed to the Tribunal's Deputy Prosecutor from the Rwandese Minister of Justice, confirming:

- that the presence of the three particular witnesses is not required for any criminal proceedings in Rwanda for a period of two months from the date of the letter; and
- that their transfer to Arusha will not extend the period of their detention in Rwanda;

TAKING INTO ACCOUNT the provisions in Rule 90*bis*(B), which 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 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, pursuant to Rule 90*bis* of the Rules, that the three witnesses named in the Defence Counsel's motion and pseudonymed therein as witnesses (BB), (CC) and (QQ), shall be transferred temporarily to the Tribunal's Detention Facilities in Arusha for a period not exceeding two months from 30 October 1997, 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 Tanzanian Government and the Registrar;

INSTRUCTS the Registrar to:

- transmit this order to the Rwandese and Tanzanian Governments;
- 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, with the shortest delay, inform the Trial Chamber of any such change;

FURTHER ORDERS, pursuant to Rule 75 of the Rules, that the names, addresses and other identifying information regarding these witnesses shall not be disclosed to the public or the media, who shall not take photographs, nor film or make sketches, of the witnesses during their presence at the Tribunal; and

DECIDES that pseudonyms given to these witnesses shall be used each time reference is made to the said witnesses during proceedings in the Tribunal and during discussions between the parties before the Tribunal.

Arusha, 31 October 1997

Laïty Kama
Presiding Judge

Lennart Aspegren
Judge

Navanethem Pillay
Judge

(Seal of the Tribunal)

