

ICTR-96-13-T
19.4.1999
(1204-1202)

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Case No. ICTR-96-13-T



UNITED NATIONS
NATIONS UNIES



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

ICTR
CRIMINAL REGISTRY
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TRIAL CHAMBER I

OR:ENG

Before: Judge Lennart Aspegren, Presiding

Registry: Ms Marianne Ben Salimo

Decision of: 19 April 1999

**THE PROSECUTOR
VERSUS
ALFRED MUSEMA**

Case No. ICTR-96-13-T

**ORDER FOR TEMPORARY TRANSFER
OF THREE DETAINED WITNESSES (Q, L, AB)
PURSUANT TO RULE 90bis OF THE RULES OF PROCEDURE AND EVIDENCE**

The Office of the Prosecutor:

Ms Jane Anywar Adong
Mr. Charles Adeogun-Phillips
Ms Holo Makwaia

Counsel for the Accused:

Mr. Steven Kay QC
Prof. Michail Wladimiroff

90bis\decision\leg\eng

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

1. Sitting in the person of Judge Lennart Aspegren, Presiding Judge, Trial Chamber I has been seized of a Prosecutor's motion, in the case "The Prosecutor v. Alfred Musema"(Case No. ICTR-96-13-T), dated 6 April 1999, requesting an order pursuant to Rule 90bis of the Tribunal's Rules of Procedure and Evidence ("the Rules") for temporary transfer of three detained witnesses under the pseudonyms Q, L and AB from Rwanda to the seat of the Tribunal in Arusha.
2. According to the Prosecutor, witness Q is detained at the Central Prison in the Prefecture of Kibuye, witness L is detained at the "Cachot communal" of Gisovu in the Prefecture of Kibuye, and witness AB is detained at Kanombe Military Camp in the Prefecture of Kigali-ville.
3. A summary of expected testimony of these three witnesses has been submitted by the Prosecutor in her final list of witnesses of 6 April 1999.
4. Provisions in Rule 90bis(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 90bis of the Rules, that the three witnesses named in the Prosecutor's motion and pseudonymed therein as witnesses Q, L and AB, shall be transferred temporarily to the Tribunal's Detention Facilities in Arusha for a period not exceeding one month from 26 April 1999, in order to testify in the trial of the accused;

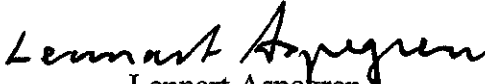
REQUESTS the Government of Rwanda to comply with this order and to arrange for the transfer in liaison with Tribunal's Registrar and the Tanzanian Government;

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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 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;

Arusha, 19 April 1999.


Lennart Aspegren
Presiding Judge

(Seal of the Tribunal)