

ICTR-99-46-I  
23-08-2000  
(1738-1736)

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UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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**TRIAL CHAMBER III**

Original: English

Before: Judge Pavel Dolenc

Registrar: Agwu U. Okali

Date: 23 August 2000

**THE PROSECUTOR**  
v.  
**EMMANUEL BAGAMBIKI and**  
**SAMUEL IMANISHIMWE**

**THE PROSECUTOR**  
v.  
**ANDRÉ NTAGERURA**

Case No. ICTR-99-46-I

JUDICIAL RECORDS/ARCHIVES  
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**DECISION ON THE PROSECUTOR'S MOTION FOR THE TRANSFER  
OF DETAINED WITNESSES PURSUANT TO RULE 90 *BIS***

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Office of the Prosecutor:  
Léonard Assira  
Liliane Rasendra  
Richard Karegyesa  
Alexandra Harvey

Defence Counsel for Bagambiki:  
Vincent Lurquin

Defence Counsel for Imanishimwe:  
Marie Louise Mbida Kanse Tah  
Georges So'o

Defence Counsel for Ntagerura:  
N. K. Konate  
Benoît Henry

**TAKING INTO ACCOUNT** the provisions in Rule 90 *bis* (B) that require that the Tribunal issue a transfer order only after prior verification that:

- (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;

**FINDING** that the Prosecution has satisfied these conditions in the instant case;

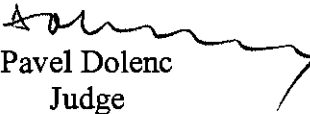
**ORDERS** that the eleven (11) witnesses, to whom the Prosecutor pursuant to the decisions cited above assigned pseudonyms as follows: LC, LQ, LAI, LAP, LAJ, LAG, LAR, LAM, LAH, LAK, and LAB, shall be transferred temporarily to the Tribunal's Detention Facility in Arusha, Tanzania for a period not exceeding two months from the date of the commencement of trial, in order to testify at trial in the instant case;

**ORDERS** the Registrar to:

- (a) Ensure the timely and proper conduct of the transfer, in cooperation with the Prosecutor and the Government of the Republic of Rwanda;
- (b) Supervise the custody of the witnesses at the Tribunal's Detention Facility;
- (c) Remain abreast of any changes that might occur regarding the conditions of detention provided for by the Government of the Republic of Rwanda and that possibly may affect the length of the temporary detention and, as promptly as possible, inform the Chamber of any such change, and;
- (d) Transmit a copy of this order to the Government of the Republic of Rwanda and the Government of the United Republic of Tanzania;

**REQUESTS** that the Government of the Republic of Rwanda comply with this order and cooperate with the Prosecutor and Registrar, and arrange for the transfer in liaison with the Government of United Republic of Tanzania, the Registrar, and the Tribunal's Witness and Victim Support Section.

Arusha, 23 August 2000.

  
Pavel Dolenc  
Judge

Seal of the Tribunal