

ICTR-99-52-T  
23-08-2001  
(23951-23949)

23951



UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

Before: Judge Navanethem Pillay, Presiding  
Judge Erik Møse  
Judge Asoka de Z. Gunawardana

Registrar: Mr Adama Dieng

Decision of: 23 August 2001

THE PROSECUTOR  
VERSUS  
FERDINAND NAHIMANA  
JEAN-BOSCO BARAYAGWIZA  
HASSAN NGEZE

Case No. ICTR-99-52-T

2001 AUG 23 P 2:13  
Aminatta L.R. N'GUM  
ICTR 23/08/2001

DECISION ON THE PROSECUTOR'S MOTION  
TO PROLONG THE TEMPORARY TRANSFER OF WITNESS LAG

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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS  
NAME / NOM: AMINATTA L.R. N'GUM  
SIGNATURE: [Signature] DATE: 23/08/2001

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

**SITTING** as Trial Chamber I, composed of Judge Navanethem Pillay, Presiding, Judge Erik Møse and Judge Asoka de Z. Gunawardana;

**BEING SEIZED** of a Prosecutor's motion, in the present case (Case No. ICTR-99-52-T), dated 16 July 2001, requesting an order pursuant to Rule 90*bis* of the Tribunal's Rules of Procedure and Evidence ("the Rules") for the prolongation of the temporary transfer of one detained witness, known under the pseudonym LAG:

**RECALLING** the Chamber's decision of 26 June 2001, in which it granted the Prosecutor leave to vary her witness list by adding Witness LAG, among others:

**CONSIDERING** that Witness LAG is presently being held at the Tribunal's Detention Facilities in Arusha, in conformity with the orders rendered by Tribunal in the case *The Prosecutor v. André Ntagerura* and *The Prosecutor v. Emmanuel Bagambiki and Samuel Imanishimwe* (Case No. ICTR-99-46-I) on 23 August 2000;

**WHEREAS** the 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;

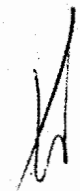
(ii) transfer of the witness does not extend the period of his detention as foreseen by the requested State"

**THE TRIBUNAL,**

**SATISFIED** that these conditions are still being met in the present case.

**HEREBY**

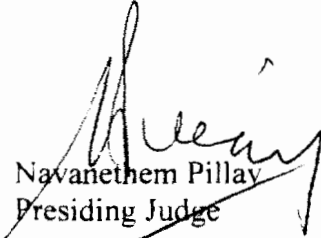
**ORDERS**, pursuant to Rule 90*bis* of the Rules, that the witness bearing the pseudonym LAG, who has already been transferred temporarily to the Tribunal's Detention Facilities in Arusha, shall remain in the Tribunal's Detention Facilities in order to testify in the trial of the accused:




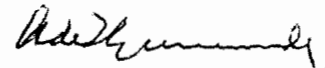
**INSTRUCTS** the Registrar to:

- transmit this order to the Governments of Rwanda and Tanzania;
- ensure the proper 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, 23 August 2001

  
Navanethem Pillay  
Presiding Judge

  
Erik Møse  
Judge

  
Asoka de Z. Günawardana  
Judge

(Seal of the Tribunal)

