

ICTR-96-14-I
(3774-3772)
27/05/2002



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre
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TRIAL CHAMBER I

OR: ENG

Before: Judge Navanethem Pillay, Presiding

Registrar: Adama Dieng

Decision of: 27 May 2002

THE PROSECUTOR

Versus

**ELIEZER NIYITEGEKA
CASE NO. ICTR-96-14-T**

JUDICIAL RECORDS SERVICES
ICTR

2002 MAY 27 A 11: 51
Mh

**DECISION ON THE PROSECUTION MOTION FOR AN ORDER FOR THE
TRANSFER OF A DETAINED WITNESS (GK) PURSUANT TO RULES 90 *bis*
AND 73(A) OF THE RULES OF PROCEDURE AND EVIDENCE.**

Office of the Prosecutor
Charles Adeogun Phillips
Melinda Y. Pollard
Wallace Kapaya
Boi Tia Stevens

Counsel for the accused
Sylvia Geraghty
Fergal Kavanagh

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

1. Sitting in the person of Judge Navanethem Pillay, Presiding Judge, designated by the Trial Chamber pursuant to Rule 73 of the Rules of Procedure and Evidence ("the Rules"), has been seized of a Prosecution motion in the case of *The Prosecutor v. Eliezer Niyitegeka* (case No. ICTR-95-1A-T) dated 16 May 2002 requesting an order pursuant to Rule 90 *bis* of the Rules for temporary transfer of a detained witness under the pseudonym GK, from Rwanda to the seat of the Tribunal in Arusha.
2. According to the Prosecutor, the witness is currently detained in Kibuye Prison, in the Prefecture of Kibuye and the said witness will not be required for any criminal proceedings in progress in Rwanda during the period the witness is required by the Tribunal. Furthermore, the transfer of this witness does not extend the period of his detention.
3. A summary of expected testimony of this witness has been submitted by the Prosecutor in her list of witnesses of 11 March 2002.
4. The trial of the accused will commence on 17 June 2002 and the said witness is expected to testify during the first two weeks of the trial.
5. 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 have been met in the present case,

HEREBY

ORDERS THAT, pursuant to Rule 90*bis* of the Rules, the witness named in the Prosecution motion under the pseudonym GK, shall be transferred temporarily to the Tribunal's Detention Facilities in Arusha for a period not exceeding one month from Friday 7 June 2002 in order to testify in the trial of the accused.

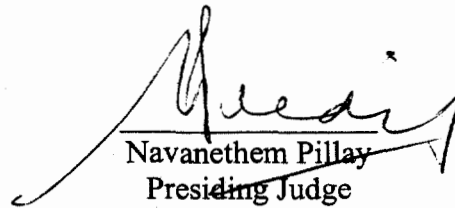
REQUESTS the Government of Rwanda to comply with this order and to arrange for the transfer in liaison with Tribunal's Registrar and the Tanzanian Government.

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, 27 May 2002.


Navanethem Pillay
Presiding Judge

(Seal of the Tribunal)

