



UNITED NATIONS  
NATIONS UNIES

ICTR-00-56-T  
19767 - 19765  
(04 - 05 - 2005)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

19767  
Mwanja

OR: ENG

**TRIAL CHAMBER II**

**Before:** Judge Taghrid Hikmet

**Registrar:** Mr Adama Dieng

**Date:** 4 May 2005

**The PROSECUTOR**

**v.**

**Augustin BIZIMUNGU**

**Augustin NDINDILIYIMANA**

**François-Xavier NZUWONEMEYE**

**Innocent SAGAHUTU**

*Case No. ICTR-00-56-T*

**CORRIGENDUM TO DECISION ON THE PROSECUTOR'S MOTION FOR AN ORDER FOR THE TRANSFER OF DETAINED WITNESSES GLJ, AOE, GFD, GFV PURSUANT TO RULES 90bis AND 73(A) OF THE RULES OF PROCEDURE AND EVIDENCE**

**Office of the Prosecutor:**

Mr Ciré Aly Bâ

Mr Alphonse Van

Ms Ifeoma Ojemeni Okali

Mr Segun Jegede

Mr Abubacarr Tambadou

Ms Faria Rekkas (Case Manager)

Ms Anne Pauline Bodley (Case Manager)

**Counsel for the Defence:**

Mr Gilles St. Laurent and Mr Ronnie Mac Donald for Augustin Bizimungu

Mr Christopher Black and Ms Tiphaine Dickson for Augustin Ndindiliyimana

Mr André Ferran and Ms Danielle Girard for François-Xavier Nzuwonemeye

Mr Fabien Segatwa and Mr Seydou Doumbia for Innocent Sagahutu

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*Taghrid Hikmet*

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

**SITTING** as Trial Chamber II, composed of Judge Taghrid Hikmet (the "Chamber");

**BEING SEISED OF** the Prosecutor's Motion for an Order for the Transfer of Detained Witnesses Pursuant to Rules 73(A) and 90*bis* of the Rules of Procedure and Evidence, filed on 21 April 2005 (the "Motion"), in which he indicated that the OTP had requested a letter from the Rwandan Ministry of Justice to confirm that the conditions for transfer of detained witnesses under the Rules are met;

**TAKING INTO CONSIDERATION** the letter of 26 April 2005 from the Rwandan Ministry of Justice to the Tribunal's Prosecutor, in which it is confirmed that the witnesses in question are available during the period they are required to be present at the Tribunal as Prosecution witnesses;

**NOTING** that of the witnesses in question, witness GLJ and witness AOE are currently detained by the Rwandan authorities in Kigali Central and Ruhengeri prisons respectively and witness GFD and witness GFV are on provisional release from Ruhengeri Prison;

**TAKING INTO CONSIDERATION** that the trial against the four accused will resume on 9 May 2005;

**TAKING INTO ACCOUNT** the provisions in Rule 90*bis* (B) which require that a transfer order of a detained witnesses shall be issued 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.

**SATISFIED** that these conditions have been met in the present case;

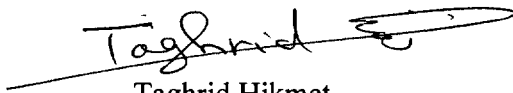
**HEREBY ORDERS** that the witnesses GLJ, AOE, GFD and GFV shall be transferred temporarily to the Tribunals Detention Facilities in Arusha for a period not exceeding three (3) months with effect from **4 May 2005**, in order to testify in the trial against the four accused;

**INSTRUCTS** the Registry to:

- transmit the order to the Government of Rwanda and the Government of Tanzania;
- to ensure the proper conduct of transfer, including the supervision of the witness in the Detention Unit of the Tribunal;
- 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, as promptly as possible, inform the Judges of any such change.

**REQUESTS** the Government of Rwanda and the Government of Tanzania to cooperate with the Registry in the implementation of this order;

Arusha, 4 May 2005

  
Taghrid Hikmet  
Judge

[Seal of the Tribunal]

