



**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

ICTR-01-65-T
4-01-2005
(1073 - 1071)

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S. Musinga

OR: ENG

TRIAL CHAMBER I

Before: Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 4 January 2006

THE PROSECUTOR

v.

Jean MPAMBARA

Case No. : ICTR-2001-65-T

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S. Musinga

ORDER FOR TRANSFER OF DEFENCE WITNESSES RU2 and RU8

The Prosecution

Richard Karegyesa
Andra Mobberley
Didace Nyirinkwaya
Ousman Jammeh

Counsel for the Defence

Arthur Vercken
Vincent Courcelle-Labrousse

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Sergei Alekseevich Egorov, designated by the Chamber in accordance with Rule 73 (A) of the Rules of Procedure and Evidence (“the Rules”);

BEING SEIZED of the Defence *Requête Urgente Aux Fins de Transfert de Témoins Detenus Conformément à l’Article 90 bis du Règlement de Procédure et de Preuve*, filed on 3 January 2006;

HEREBY DECIDES the motion.

1. The Mpambara Defence requests the Chamber to order the transfer of two of its witnesses, who are detained in Rwanda, under Rule 90 *bis* of the Rules. Rule 90 *bis* (B) sets two conditions for such an order: first, that “the witness is not required for any criminal proceedings in the territory of the requested State during the period the witness is required by the Tribunal”; and second, that the “transfer ... does not extend the period of his detention as foreseen by the requested State”. Annexed to the motion is a letter, dated 28 December 2005, from the Rwandan Ministry of Justice indicating that the witnesses are available to be transferred, which implies that the two conditions set out in Rule 90 *bis* (B) are satisfied.¹ Accordingly, the Chamber finds that the requirements for the transfer of Witness RU2 and Witness RU8 under Rule 90 *bis* are met.

FOR THE ABOVE REASONS, THE CHAMBER

ORDERS, conditional upon the agreement of the Government Rwanda, that the individuals designated by the pseudonyms RU2 and RU8 shall be temporarily transferred pursuant to Rule 90 *bis* of the Rules to the Detention Unit in Arusha;

REQUESTS the Government of Rwanda to facilitate the transfer in cooperation with the Registrar and the Tanzanian Government;

INSTRUCTS the Registrar to:

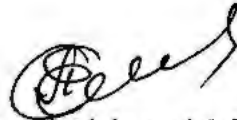
- A) transmit this decision to the Governments of Rwanda and Tanzania;
- B) ensure the proper conduct of the transfer, including the supervision of the witnesses in the Tribunal’s detention facilities;
- C) remain abreast of any changes which might occur regarding the conditions of detention provided for by the requested State and which may possibly affect the

¹ *Bagosora et al.*, Order for the Transfer of Prosecution Witness DO (TC), 15 September 2005, para. 1; *Ndindabahizi*, Order for Transfer of Defence Witnesses DC, DM, DN, DO and DR, Pursuant to Rule 90*bis* (TC), 2 October 2003, para. 2.

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length of the temporary detention, and as soon as possible, inform the Trial Chamber of any such change.

Arusha, 4 January 2006



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

