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ICTR-00-56-T  
18-04-2006  
(22177 - 22175)

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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 II

**Before:** Judge Asoka de Silva, Presiding  
Designated pursuant to Rule 73(A) of the Rules

**Registrar:** Mr Adama Dieng

**Date:** 13 April 2006

#### The PROSECUTOR

v.

Augustin BIZIMUNGU  
Augustin NDINDILYIMANA  
François-Xavier NZUWONEMEYE  
Innocent SAGAHUTU

Case No. ICTR-00-56-T

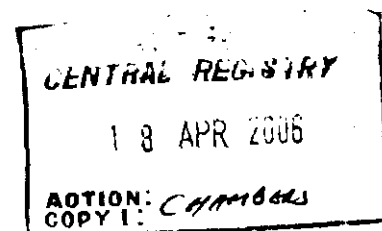
### DECISION ON THE PROSECUTOR'S *EX-PARTE* MOTION FOR THE TRANSFER OF WITNESSES DETAINED OR PLACED UNDER COURT SUPERVISION PURSUANT TO RULES 54 AND 90*bis* OF THE RULES OF PROCEDURE AND EVIDENCE

#### Office of the Prosecutor:

Mr Ciré Aly Bâ  
Mr Moussa Sefon  
Mr Segun Jegede  
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Ms Felistas Mushi  
Ms Faria Rekkas  
Ms Anne Pauline Bodley

#### Counsel for the Defence:

Mr Gilles St-Laurent and Mr Ronnie MacDonald for Augustin Bizimungu  
Mr Christopher Black for Augustin Ndindilyimana  
Mr Charles Taku and Mr Hamuli Rety for François-Xavier Nzuwonemeye  
Mr Fabien Segatwa and Mr Seydou Doumbia for Innocent Sagahutu



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*Prosecutor v. Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56-T

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

**SITTING** as Trial Chamber II, composed of Judge Asoka de Silva, Presiding (the "Chamber");

**BEING SEISED OF** the "Prosecutor's *Ex-Parte* Motion for the Transfer of Witnesses Detained or Placed Under Court Supervision Pursuant to Rules 54 and 90*bis* of the Rules of Procedure and Evidence", filed on 12 April 2006 (the "Motion");

**NOTING** the Prosecutor's letter of 8 March 2006 to the Rwandan Ministry of Justice seeking confirmation that the conditions for transfer of detained witnesses under the Rules are met;

**TAKING INTO CONSIDERATION** the letter of 11 April 2006 from the Rwandan Ministry of Justice to the Tribunal's Prosecutor, in which it is confirmed that Witnesses **DO**, **ANF**, **XXQ** and **GFQ** are available during the period they are required to be present at the Tribunal as Prosecution witnesses;

**TAKING INTO CONSIDERATION** that the trial against the four accused will resume on 2 May 2006;

**TAKING INTO ACCOUNT** the provisions in Rule 90*bis* (B) which require that a transfer order for a detained witness 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.

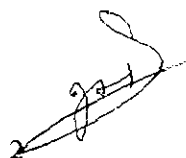
**SATISFIED** that these conditions have been met in the present case;

**HEREBY ORDERS** that Witnesses **DO**, **ANF**, **XXQ** and **GFQ** shall be transferred temporarily to the Tribunal's Detention Facilities in Arusha for a period not exceeding three (3) months with effect from **20 April 2006**, in order to testify in the trial against the four accused;

**INSTRUCTS** the Registry to:

- transmit this order to the Government of Rwanda and the Government of Tanzania;
- ensure the proper conduct of the transfer, including the supervision of the witnesses 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.

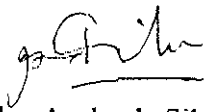
**REQUESTS** the Government of Rwanda and the Government of Tanzania to cooperate with the Registry in the implementation of this Order;



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*Prosecutor v. Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56-T

Arusha, 13 April 2006



Judge Asoka de Silva, Presiding  
Designated pursuant to Rule 73(A) of the Rules

[Seal of the Tribunal]

