

ICTR-00-56-T

23-08-2006

(22754-22752)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED NATIONS
NATIONS UNIES

OR: ENG

TRIAL CHAMBER II

Before: Judge Seon Ki Park
(Designated pursuant to Rule 73(A))

Registrar: Mr Adama Dieng

Date: 23 August 2006

The PROSECUTOR
v.
Augustin BIZIMUNGU
Augustin NDINDILYIMANA
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

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**DECISION ON THE PROSECUTOR'S EXTREMELY URGENT EX-PARTE
MOTION FOR THE TRANSFER OF DETAINED WITNESS ANF PURSUANT TO
RULE 90bis OF THE RULES OF PROCEDURE AND EVIDENCE**

Office of the Prosecutor:

Mr Ciré Aly Bâ
Mr Moussa Sefon
Mr Segun Jegede
Mr. Lloyd Strickland
Mr Abubakarr Tambadou
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 and Mr Patrick De Wolf for Augustin Ndindiliyimana
Mr Charles Taku and Mr Hamuli Rety for François-Xavier Nzuwonemeye
Mr Fabien Segatwa and Mr Seydou Doumbia for Innocent Sagahutu

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the “Tribunal”),

SITTING as Trial Chamber II, composed of Judge Seon Ki Park (the “Chamber”);

BEING SEISED OF the “*Requête non contentieuse du Procureur, en extrême urgence, aux fins de transfert du témoin détenu ANF: article 90bis du Règlement de procédure et de preuve*”¹, filed on 18 August 2006 (the “Motion”);

NOTING the Prosecutor’s letter of 10 July 2006 to the Rwandan Minister of Justice seeking confirmation that the conditions for transfer of detained witnesses under the Rules are met;

TAKING INTO CONSIDERATION the letter of 2 August 2006 from the Rwandan Minister of Justice to the Tribunal’s Prosecutor, in which it is confirmed that Witness ANF is available during the period he is required to be present at the Tribunal as a Prosecution witness;

TAKING INTO CONSIDERATION that the trial against the four accused is scheduled to resume on 4 September 2006;

TAKING INTO ACCOUNT the provisions in Rule 90bis (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;

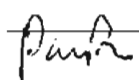
HEREBY ORDERS that for the purpose of enabling him to appear before the Tribunal and giving his testimony in the trial of the four accused, Witness ANF shall at any time after the date of this Order be transferred temporarily to the Tribunal’s Detention Facilities in Arusha. His detention in Arusha shall not go beyond **31 October 2006**;

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 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 Trial Chamber of any such change.

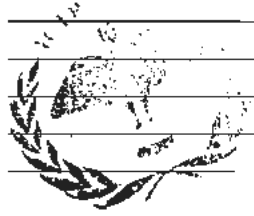
REQUESTS the Government of Rwanda and the Government of Tanzania to cooperate with the Registry in the implementation of this Order;

¹ The Prosecutor’s Extremely Urgent *ex-parte* Motion for the Transfer of Detained Witness ANF Pursuant to Rule 90bis of the Rules of Procedure and Evidence (Unofficial Translation).

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Arusha, 23 August 2006


Seon Ki Park
Judge



[Seal of the Tribunal]