



ICTR-01-63-T
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
(1284 - 1283)

1284
VB

Or: ENG

TRIAL CHAMBER III

Before: Judge Dennis C. M. Byron, Presiding
sitting pursuant to Rules 54 and 73(A) of the Rules

Registrar: Adama Dieng

Date: 12 September 2006

THE PROSECUTOR

v.

Siméon NCHAMIHIGO

Case No. ICTR-2001-63-90bis

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[Signature]

ORDER FOR THE TRANSFER OF DETAINED WITNESSES

Rule 90bis of the Rules of Procedure and Evidence

Office of the Prosecutor:

Alphonse Van
Lloyd Strickland
Madeleine Schwarz
Adama Niane
Anne Bodley

Defence Counsel:

Denis Turcotte
Benoît Henry

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1. The trial in this case is scheduled to begin on 25 September 2006. On 24 July 2006 the Prosecutor submitted an *Ex Parte* Motion for an Order for the Temporary Transfer of Witnesses Pursuant to Rule 90bis of the Rules of Procedure and Evidence. He asked that ten witnesses, who are currently detained and awaiting trial in Rwanda, be transferred to the United Nations Detention Facilities in Arusha so that they can testify as Prosecution witnesses in the present case. On 9 August 2006, the Chamber made an Order for Filing for the Prosecutor to provide additional evidence to support his Motion.

2. Rule 90bis gives the Chamber power to make an order to transfer a detained person to the Detention Unit of the Tribunal if his or her presence has been requested. Before such an order can be made the applicant must show 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;

3. On 7 September 2006, the Prosecution filed a letter from the Rwandan Minister of Justice confirming that the ten requested witnesses who are detained in Rwanda will be available for the relevant time period to testify in this case. The Chamber is therefore satisfied that these witnesses are not required for criminal proceedings in Rwanda during that time and that the witnesses' presence at the Tribunal does not extend the period of their detention in Rwanda.

FOR THOSE REASONS, THE CHAMBER

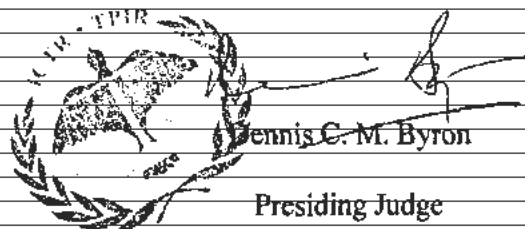
I. GRANTS the Prosecution Motion;

II. REQUESTS the Registrar, pursuant to Rule 90bis of the Rules, to temporarily transfer the detained witnesses indicated in the letter from the Rwandan Minister of Justice dated 5 September 2006 to the United Nations Detention Facilities (UNDF) in Arusha, at an appropriate time prior to their scheduled dates to testify. Their return travel to Rwanda should be facilitated as soon as practically possible for each witness after the individual's testimony has ended.

II. REQUESTS the Governments of Rwanda and Tanzania to cooperate with the Registrar in the implementation of this Order.

III. REQUESTS the Registrar to cooperate with the authorities of the Governments Rwanda and Tanzania; Ensure proper conduct during transfer and during detention of the witness at the UNDF; Inform the Chamber of any changes in the conditions of detention determined by the Rwandan authorities and which may affect the length of stay in Arusha.

Arusha, 12 September 2006, done in English.

The seal of the International Criminal Tribunal for Rwanda (ICTR) is circular, featuring a map of Rwanda in the center, surrounded by a laurel wreath. The text 'ICTR' is at the top and '1994' is at the bottom. To the right of the seal is a handwritten signature in black ink.

Dennis C. M. Byron
Presiding Judge

{Seal of the Tribunal}