



UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

669  
OR

ICTR-01-70-1  
3-11-2006  
(669-667)

OR: ENG

TRIAL CHAMBER II

**Before:** Judge Asoka de Silva, designated pursuant to Rule 73(A)

**Registrar:** Mr Adama Dieng

**Date:** 3 November 2006

THE PROSECUTOR

v.

Emmanuel RUKUNDO

Case No. ICTR-2001-70-PT

JUDICIAL RECORDS/ARCHIVES  
UNICTR  
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2006 NOV -3 1 P 12:43

**DECISION ON THE PROSECUTOR'S MOTION FOR THE TRANSFER OF  
DETAINED WITNESS AMA PURSUANT TO RULE 90bis OF THE RULES OF  
PROCEDURE AND EVIDENCE**

**Office of the Prosecutor:**

Mr William T. Egbe  
Mr Sulaiman Khan  
Mrs Veronic Wright  
Mr Patrick Gabaake  
Mr Simba Mawere  
Mr Thembile Segoete  
Mr Disengi Mugeyo  
Ms Amina Ibrahim

**Counsel for the Defence:**

Ms Aïcha Condé

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

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

**BEING SEISED OF** "The Prosecutor's Request for an Order Transferring a Detained Witness Pursuant to Rule 90*bis* of the Rules of Procedure and Evidence", filed on 26 October 2006 (the "Motion");

**TAKING INTO CONSIDERATION** that the trial against the accused is scheduled to start on 15 November 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.

**NOTING** the Prosecutor's letter of 26 October 2006 to the Rwandan Minister of Justice seeking confirmation that the conditions for the transfer of detained Witness AMA under the Rules are met;

**NOTING** that it has to date not been served with any response from the Rwandan Minister of Justice to the Prosecution request;

**HEREBY ORDERS** that Witness AMA shall, at any time after the date of this Order, and upon confirmation from the Rwandan Minister of Justice that the presence of the detained witness is not required for any criminal proceedings in progress in Rwanda during the period the witness is required by the Tribunal, be transferred temporarily to the Tribunal's Detention Facilities in Arusha. His detention in Arusha shall not go beyond 15 December 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 may occur regarding witness AMA's conditions of detention in the requested State, which may possibly affect the length of the temporary detention, and promptly 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;

**INSTRUCTS** the Prosecution, in future applications for transfer of detained witnesses, to provide the Chamber with all necessary supporting documents pursuant to Rule 90*bis* at the time of filing of the Motion.



Arusha, 3 November 2006

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Asoka de Silva  
Presiding Judge

[Seal of the Tribunal]