

ICTR-97-31-T
04-06-2007
(4735-4733)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ORIGINAL: ENGLISH

TRIAL CHAMBER I

Before: Judge Erik Møse

Registrar: Adama Dieng

Date: 1 June 2007

THE PROSECUTOR

v.

Tharcisse RENZAHO

Case No. ICTR-97-31-T

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JUDICIAL RECORDS ARCHIVED
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ORDER FOR TRANSFER OF DETAINED DEFENCE WITNESS

The Prosecution

Jonathan Moses
Katya Mellaish
Ignacio Tredici
Shamus Mangan

The Defence

François Cantier
Barnabé Neukuie

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Sergei Alekseevich Égorov, and Judge Florence Rita Arrey;

BEING SEIZED OF the Defence "Requête de M. Renzaho Tharcisse concernant le transfert d'un témoin détenu", filed on 7 May 2007;

HEREBY DECIDES the motion.

INTRODUCTION

1. The Defence requests an order for the temporary transfer of one its witnesses to the Detention Unit of the Tribunal in Arusha for the purpose of testifying before the Chamber. Witness HAL is serving a sentence in Rwanda. It is requested that the witness be transferred by 4 June 2007.¹ The witness has indicated his willingness to testify on behalf of the Accused.² The Prosecution does not oppose the motion.

2. Rule 90 *bis* (A) of the Rules of Procedure and Evidence 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. Rule 90 *bis* (B) sets two conditions for such an order: first, that "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"; and second, that the transfer "does not extend the period of his detention as foreseen by the requested State".

3. The Chamber has received a letter from the Rwandan Ministry of Justice confirming that the conditions of Rule 90 *bis* (B) have been met, and therefore grants the request.

FOR THE ABOVE REASONS, THE CHAMBER

ORDERS, conditional upon the agreement of the Government of Rwanda, that Witness HAL shall be temporarily transferred to the Detention Unit on or about 4 June 2007, and returned no later than thirty days from the date of his transfer, pursuant to Rule 90 *bis* of the Rules;

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

¹ Motion, para. 8.

² Motion, para. 4.

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

Arusha, 1 June 2007.



Erik Møse

Judge

[Seal of the Tribunal]

