



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-01-70-T
28-06-2007

(3156-3155)

3156
12

OR: ENG

TRIAL CHAMBER II

Before Judges: Asoka de Silva, Presiding
Taghrid Hikmet
Seon Ki Park

Registrar: Adama Dieng

Date: 27 June 2007

THE PROSECUTOR

v.

EMMANUEL RUKUNDO

Case No. ICTR-2001-70-T

JUDICIAL RECORDS ARCHIVE
RECEIVED

2007 JUN 28 1P 4: 49
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PROPRIO MOTU ORDER FOR THE TRANSFER OF A DETAINED WITNESS

Rules 54 and 90bis of the Rules of Procedure and Evidence

Office of the Prosecutor:

William Egbe
Sulaiman Khan
Veronic Wright
Patrick Gabaake
Thembile Segoete
Amina Ibrahim

Defence Counsel

Aicha Condé
Allison Turner

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, 3185

SITTING as Trial Chamber II, composed of Judge Asoka de Silva, Presiding, Judge Taghrid Hikmet and Judge Seon Ki Park;

RECALLING the Chamber's Decision of 30 April 2007, in which it summoned, pursuant to Rule 98, Defence investigator Mr. Léonidas Nshogoza as a witness to be questioned on the circumstances surrounding his meetings with Prosecution Witness ELP;

BEING AWARE of recent information that Mr. Nshogoza is presently in detention in Rwanda;

NOTING that Rule 90bis (B) requires the Chamber to verify, before issuing a transfer order, that the presence of a detained witness is not required for criminal proceedings in the country of detention, and that transfer to the seat of the Tribunal will not extend his detention;

CONSIDERING the importance of hearing Mr. Nshogoza's testimony on the above issue;

HEREBY ORDERS that Mr. Nshogoza 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 and the transfer of the witness does not extend the period of his detention, be transferred temporarily to the Tribunal's Detention Facilities in Arusha. His detention in Arusha shall not go beyond 31 July 2007;

INSTRUCTS the Registry to:

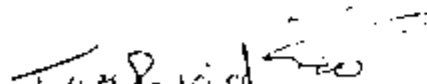
- transmit this Order to the Government of Rwanda and the Government of Tanzania;
- ensure the proper conduct of the transfer, including the supervision of the witness in the Detention Unit of the Tribunal;
- remain abreast of any changes which may occur regarding conditions of detention in Rwanda, which may possibly affect the length of the temporary detention, and promptly inform the 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.

Arusha, 17 June 2007, done in English.


Asoka de Silva

Presiding Judge


Taghrid Hikmet

Judge



Seon Ki Park

Judge