

ICTR-98-44-T
01-10-2007
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UNITED NATIONS
INTERNATIONAL
CRIMINAL TRIBUNAL FOR RWANDA

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagu Joensen

Registrar: Adama Dieng

Date: 1 October 2007

THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA
Case No. ICTR-98-44-T

**DECISION SUPPLEMENTING THE CHAMBER'S PRIOR ORDER FOR THE
TRANSFER OF PROSECUTION WITNESSES FROM RWANDA**

Rules 90 bis of the Rules of Procedure and Evidence

Office of the Prosecutor:
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Defence Counsel for Mathieu Ndirumpatse
Chantal Houkpario and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson and Patrick Niny Mayiduka Ngimbi

1. The trial in this case is scheduled to resume on 1st October 2007 for the continuation of the Prosecution case.¹ On 27 August 2007, the Prosecution filed a motion, pursuant to Rule 90 *bis* of the Rules of Procedure and Evidence ("Rules"), moving the Chamber to order the temporary transfer from Rwanda of detained Prosecution Witnesses AWD, AXA and BDW who are scheduled to testify during the next trial session.²

2. Although the Prosecution could not provide additional supporting material or information as to the availability of the witnesses, the Chamber granted the request for the temporary transfer of Witnesses AWD, AXA and BWD to the UN Detention Facility in Arusha in order to ensure their availability for the forthcoming trial session.³ This, however, was subject to confirmation by the Rwandan authorities that these witnesses were not required in any trial or judicial proceedings in Rwanda during the aforementioned period, and that their transfer to Arusha would not prolong their detention in Rwanda.⁴

3. On 27 September 2007, the Prosecution filed additional material in support of its request, including a letter from the Prosecutor General of Rwanda indicating that the detained witnesses known by the pseudonyms AWD, AXA and BDW were available for the period considered.⁵ The Chamber is therefore satisfied that the requirements set forth by Rule 90 *bis* of the Rules for the temporary transfer of these witnesses are indeed met.

¹ *Prosecutor v. Edouard Karemera, Mathieu Ndirumpatse, Joseph Nzirorera ("Karemera et al.")*, Case No. ICTR-98-44-T, Scheduling Order (TC), 21 August 2007.

² Prosecutor's Request for Temporary Transfer of Witnesses AWD, AXA and BDW for the 6th Trial Session Pursuant to Rule 90bis, filed on 27 August 2007.


³ *Karemera et al.*, Order for temporary Transfer of Prosecution Witnesses from Rwanda (TC), 4 September 2007.

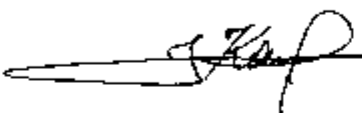
⁴ *Ibid*


⁵ Prosecutor's Supplemental Filing in support of its Renewed Request for Temporary Transfer of witnesses pursuant to Rule 90bis, filed confidential, filed on 27 September 2007.

FOR THESE REASONS, the **CHAMBER CONFIRMS** its prior Order of 4 September 2007 for the temporary transfer of detained witnesses known by the pseudonyms AWD, AXA and BDW to the UN Detention facility in Arusha.

Arusha, 1 October 2007, done in English.


Dennis M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge

