



**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

ICTR-01-65-T  
4-01-2005  
(1073-1071)

1073

S. Musta

OR: ENG

**TRIAL CHAMBER I**

**Before:** Judge Sergei Alekseevich Egorov

**Registrar:** Adama Dieng

**Date:** 4 January 2006

**THE PROSECUTOR**

v.

**Jean MPAMBARA**

*Case No. : ICTR-2001-65-T*

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**ORDER FOR TRANSFER OF DEFENCE WITNESSES RU2 and RU8**

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**The Prosecution**

Richard Karegyesa  
Andra Mobberley  
Didace Nyirinkwaya  
Ousman Jammeh

**Counsel for the Defence**

Arthur Vercken  
Vincent Courcelle-Labrousse

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

**SITTING** as Trial Chamber I, composed of Judge Sergei Alekseevich Egorov, designated by the Chamber in accordance with Rule 73 (A) of the Rules of Procedure and Evidence (“the Rules”);

**BEING SEIZED** of the Defence *Requête Urgente Aux Fins de Transfert de Témoins Detenus Conformément à l’Article 90 bis du Règlement de Procédure et de Preuve*, filed on 3 January 2006;

**HEREBY DECIDES** the motion.

1. The Mpambara Defence requests the Chamber to order the transfer of two of its witnesses, who are detained in Rwanda, under Rule 90 *bis* of the Rules. Rule 90 *bis* (B) sets two conditions for such an order: first, that “the witness is not required for any criminal proceedings 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”. Annexed to the motion is a letter, dated 28 December 2005, from the Rwandan Ministry of Justice indicating that the witnesses are available to be transferred, which implies that the two conditions set out in Rule 90 *bis* (B) are satisfied.<sup>1</sup> Accordingly, the Chamber finds that the requirements for the transfer of Witness RU2 and Witness RU8 under Rule 90 *bis* are met.

**FOR THE ABOVE REASONS, THE CHAMBER**

**ORDERS**, conditional upon the agreement of the Government Rwanda, that the individuals designated by the pseudonyms RU2 and RU8 shall be temporarily transferred pursuant to Rule 90 *bis* of the Rules to the Detention Unit in Arusha;

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

**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 witnesses 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

<sup>1</sup> *Bagosora et al.*, Order for the Transfer of Prosecution Witness DO (TC), 15 September 2005, para. 1; *Ndindabahizi*, Order for Transfer of Defence Witnesses DC, DM, DN, DO and DR, Pursuant to Rule 90*bis* (TC), 2 October 2003, para. 2.

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

Arusha, 4 January 2006



Sergei Alekseevich Egorov  
Judge

[Seal of the Tribunal]





# TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

**COURT MANAGEMENT SECTION**  
(Art. 27 of the Directive for the Registry)

## I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

<b>To:</b>	<input checked="" type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
<b>From:</b>	<input checked="" type="checkbox"/> Chamber I <b>Gosnell</b> (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. <b>Mpambara</b>			<b>Case Number:</b> ICTR-01-65
<b>Dates:</b>	Transmitted: <b>4.1.06</b>		Document's date: <b>4.1.06</b>	
<b>No. of Pages:</b>	<b>3</b>	<b>Original Language:</b>	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of Document:</b>	<b>Order for Transfer of Witnesses RU2 and RU8</b>			
<b>Classification Level:</b>		<b>TRIM Document Type:</b>		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Confidential		<input checked="" type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
		<input type="checkbox"/> Judgement	<input type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
			<input type="checkbox"/> Submission from non-parties	<input type="checkbox"/> Submission from parties
			<input type="checkbox"/> Accused particulars	

## II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

**CMS SHALL** take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English  French  Kinyarwanda

**CMS SHALL NOT** take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

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Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

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<input type="checkbox"/> <b>The OTP</b> is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> <b>DEFENCE</b> is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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## III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	<b>COMMENTS</b> No translation required	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input checked="" type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: