

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No. MICT-12-09-PT

Date: 7 May 2014

Original: English

SINGLE JUDGE

Before: Judge Vagn Joensen, Single Judge
Registrar: Mr. John Hocking

THE PROSECUTOR

v.

PHÉNÉAS MUNYARUGARAMA

WARRANT OF ARREST AND ORDER FOR TRANSFER
ADDRESSED TO ALL STATES

Rule 57 of the Rules of Procedure and Evidence

The Office of the Prosecutor:

Hassan Bubacar Jallow
Richard Karegyesa
Teresa Berrigan
Sunkarie Ballah-Conteh

Received by the Registry
Mechanism for International Criminal Tribunals
07/05/2014 15:40

Anomaeuf

V.

THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (“Mechanism”):

SITTING as Single Judge Vagn Joensen pursuant to Rule 57 of the Rules of Procedure and Evidence (the “Rules”);

BEING SEIZED of the Prosecutor’s Request for a Warrant of Arrest and an Order for Transfer of **PHÉNÉAS MUNYARUGARAMA** (the “Accused”) filed on 27 March 2014;

CONSIDERING the Amended Indictment against the Accused confirmed on 13 June 2012;

CONSIDERING the Warrant of Arrest and Order for Transfer and Detention of the Accused dated 28 June 2012, which is currently in force;

CONSIDERING United Nations Security Council Resolution 1966 (2010) regarding the cooperation of States with the Mechanism;

CONSIDERING Article 28 of the Mechanism Statute and Rule 57 of the Rules;

NOTING the need to vacate the Warrant of Arrest and Order for Transfer and Detention dated 28 June 2012 requesting transfer of the Accused to the custody of the Rwandan authorities, issued by the International Criminal Tribunal for Rwanda (“ICTR”) with a request for the arrest and transfer of the Accused to the custody of the Rwandan authorities, issued by the Mechanism;

1. HEREBY RESPECTFULLY REQUESTS ALL Member States of the United Nations to:

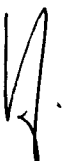
- I. SEARCH FOR, ARREST AND TRANSFER** to the custody of the National Public Prosecution Authority of the Republic of Rwanda **PHÉNÉAS MUNYARUGARAMA**, a Rwandan citizen believed to have been born on 1 January 1948 in Kidaho *commune*, Ruhengeri *prefecture*, Rwanda, who is accused of having committed during 1994 in Rwanda the following crimes: genocide, complicity in genocide, direct and public incitement to commit genocide, and crimes against humanity (murder, extermination, persecution and rape);
- II. SERVE** on the Accused at the time of his arrest or as soon as practicable immediately following arrest, in a language he understands, a certified copy of this warrant of arrest, accompanied by a copy of the indictment certified in accordance with Rule 48 (G) of the Rules and a statement of the rights of the accused set forth in Article 19 of the Statute and in Rules 40 and 41 of the Rules;



- III. **INFORM** the Accused at the time of his arrest or as soon as practicable immediately following arrest, in a language he understands, that he is being transferred to the custody of the Rwandan authorities;
- IV. **SEEK AN ACKNOWLEDGMENT** of receipt from the Accused of a copy of the warrant of arrest, the indictment and the statement of rights in a language he understands, and return one set of documents together with proof of service to the National Public Prosecution Authority of the Republic of Rwanda;
- V. **SEARCH AND SEIZE** all physical evidence related to the crimes alleged against the Accused;
- VI. **CREATE** an itemized inventory of all seized materials, including documents, books, papers or any other objects, that is properly witnessed and is acknowledged by the Accused;
- VII. **TRANSFER** all seized evidence and the inventory to the National Public Prosecution Authority of the Republic of Rwanda;
- VIII. **NOTIFY** the Registrar of the Mechanism and the Prosecutor-General of the National Public Prosecution Authority of the Republic of Rwanda of the arrest of the Accused for the purposes of arranging his transfer to the custody of the National Public Prosecution Authority without delay;
- IX. **REPORT** forthwith to the Registrar of the Mechanism and the National Public Prosecution Authority of the Republic of Rwanda if unable to execute this Warrant or Order for Transfer, indicating the reasons for the inability to do so; and
- X. **MAKE INQUIRIES** to discover whether the Accused has assets located within the territory of the Member State and if so, to adopt provisional measures to freeze such assets, without prejudice to the rights of third parties.

2. HEREBY VACATES the Warrant of Arrest and Order for the Transfer and Detention of **PHÉNÉAS MUNYARUGARAMA** dated 28 June 2012.

Arusha, 7 May 2014, done in English



Vagn Joensen
Judge Vagn Joensen
Single Judge

[Seal of the Mechanism]





**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ Greffe du MTPI	<input checked="" type="checkbox"/> Arusha/ Arusha	<input type="checkbox"/> The Hague/ La Haye
From/ De :	<input checked="" type="checkbox"/> Chambers/ Chambre Duty Judge	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur <input type="checkbox"/> Other/ Autre :
Case Name/ Affaire :	Prosecutor v. Phénéas Munyarugarama	Case Number/ Affaire n° :	MICT-12-09-PT
Date Created/ Daté du :	7 May 2014	Date transmitted/ Transmis le :	7 May 2014
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	WARRANT OF ARREST AND ORDER FOR TRANSFER		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ Art. 86 H) requérant exclu	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu
	<input type="checkbox"/> Strictly Confidential/ Strictement confidentiel	<input type="checkbox"/> Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/préciser) :	
Document type/ Type de document :	<input type="checkbox"/> Motion/ Requête	<input type="checkbox"/> Submission from parties/ Écritures déposées par des parties	<input type="checkbox"/> Indictment/ Acte d'accusation
	<input type="checkbox"/> Decision/ Décision	<input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers	<input checked="" type="checkbox"/> Warrant/ Mandat
	<input type="checkbox"/> Order/ Ordonnance	<input type="checkbox"/> Book of Authorities/ Recueil de sources	<input type="checkbox"/> Notice of Appeal/ Acte d'appel
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II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ La traduction n'est pas requise
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