

UNITED  
NATIONS



Mechanism for International Criminal Tribunals

Case No. MICT-12-23-PT

Date: 7 May 2014

Original: English

SINGLE JUDGE

Before: Judge Vagn Joensen, Single Judge

Registrar: Mr. John Hocking

THE PROSECUTOR

v.

FULGENCE KAYISHEMA

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

*Anamela F.*

A handwritten signature, possibly 'V.J.', located at the bottom right of the page.

**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 **FULGENCE KAYISHEMA** (the “Accused”) filed on 27 March 2014;

**CONSIDERING** the Indictment against the Accused confirmed on 4 July 2001 by Judge Lloyd G. Williams of the International Criminal Tribunal for Rwanda (“ICTR”);

**CONSIDERING** the Warrant of Arrest and Order for Transfer and Detention of the Accused dated 4 April 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 4 April 2012 requesting transfer of the Accused to the custody of the Rwandan authorities, issued by the 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 **FULGENCE KAYISHEMA**, a Rwandan citizen born in 1961, originally from Kivumu *commune*, Kibuye *prefecture*, Rwanda, who is accused of having committed during 1994 in Rwanda the following crimes: genocide, conspiracy to commit genocide, complicity in genocide (in the alternative to genocide), and crimes against humanity (extermination);
- 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 **FULGENCE KAYISHEMA** dated 4 April 2012.

Arusha, 7 May 2014, done in English



*Vagn Joensen*  
Judge Vagn Joensen  
Single Judge

[Seal of the Mechanism]



*V*



**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**

<b>To/ À :</b>	<input type="checkbox"/> MICT Registry/ <i>Greffe du MPTI</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
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<b>Case Name/ Affaire :</b>	Prosecutor v. Fulgence Kayishema	<b>Case Number/ Affaire n° :</b>	MICT-12-23-PT
<b>Date Created/ Daté du :</b>	7 May 2014	<b>Date transmitted/ Transmis le :</b>	7 May 2014
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<b>Title of Document/ Titre du document :</b>	<b>WARRANT OF ARREST AND ORDER FOR TRANSFER</b>		
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i> <input type="checkbox"/> Confidential/ <i>Confidentiel</i> <input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i> <input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i> <input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i> <input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i> <input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
<b>Document type/ Type de document :</b>	<input type="checkbox"/> Motion/ <i>Requête</i> <input type="checkbox"/> Decision/ <i>Décision</i> <input type="checkbox"/> Order/ <i>Ordonnance</i> <input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i> <input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i> <input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i> <input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i> <input checked="" type="checkbox"/> Warrant/ <i>Mandat</i> <input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>

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