



UNITED NATIONS
NATIONS UNIES

ICTR-00-67-Rubis
04-04-2012
(2251-2254)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

2257

G

OR: ENG

OFFICE OF THE PRESIDENT

Before: Judge Vagn Joensen
President of the Tribunal

Registrar: Mr. Adama Dieng

Date: 4 April 2012

JUDICIAL RECORDS/ARCHIVES
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2012 APR -4 P 2:43
[Signature]

THE PROSECUTOR

v.

FULGENCE KAYISHEMA

Case No. ICTR-00-67

WARRANT OF ARREST AND ORDER FOR TRANSFER

TO: All Member States of the United Nations

[Handwritten mark]

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SITTING as Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (the “Tribunal”);

BEING SEIZED of the Prosecutor’s “Urgent *Ex Parte* Request for a Warrant of Arrest and an Order of Transfer” of **FULGENCE KAYISHEMA** filed on 19th March 2012 (the Request);

CONSIDERING the Indictment against **FULGENCE KAYISHEMA** (the Accused) confirmed by Judge Lloyd G. Williams on 4 July 2001;

CONSIDERING the Warrant of Arrest and Order for Transfer dated 4 July 2001, which is currently in force;

CONSIDERING further the Tribunal’s Decision of 22 February 2012 referring, pursuant to Rule 11*bis*, the indictment of the Accused to the authorities of the Republic of Rwanda for trial;

CONSIDERING United Nations Security Council Resolutions 955, 978, 1165 of 8 November 1994, 27 February 1995 and 30 April 1998, regarding the cooperation of States with the Tribunal;

CONSIDERING Articles 28 of the Statute of the Tribunal (Statute) and Rules 11*bis* (E) 54 to 55 and 55*bis* of the Rules of Procedure and Evidence;

NOTING the need to vacate the warrant of arrest dated 4 July 2001 requesting transfer of the Accused to the Tribunal’s Detention Facility, with a request for his transfer to the Republic of Rwanda;

1. **HEREBY RESPECTFULLY REQUESTS ALL** States that are members of the United Nations to:

- a. **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, in the Republic of Rwanda, who is charged with the following crimes under the Tribunal's Statute committed in Rwanda between 1 January and 31 December 1994: genocide pursuant to Article 2(3), conspiracy to commit genocide pursuant to Article 2(3)(b), or, in the alternative, complicity in genocide pursuant to Article (2)(3)(e), and extermination pursuant to Article (3)(b);


- b. **SEARCH AND SEIZE** all physical evidence related to the crimes alleged against **FULGENCE KAYISHEMA**;
- c. **CREATE** an itemized inventory of all seized materials, including documents, books, papers or any other objects, that is properly witnessed and acknowledged by the Accused;
- d. **TRANSFER** all seized evidence and the inventory to the National Public Prosecution Authority of the Republic of Rwanda;
- e. **SERVE** on the Accused, at the time of his arrest or as soon as is 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 47(G) and a statement of the rights of the accused as set forth in Article 20 of the Statute and in Rules 42 and 43;
- f. **SEEK AN ACKNOWLEDGEMENT** 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;
- g. **NOTIFY** the Registrar of the Tribunal 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; and

2254

- h. **REPORT** forthwith to the Registrar of the Tribunal 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 its inability to give effect thereto,;
- i. **MAKE INQUIRIES** to discover whether the Accused has assets located within the territory of the Member State concerned and if so, to adopt provisional measures to freeze such assets, without prejudice to the rights of third parties;

2. **HEREBY VACATE** the Warrant of Arrest and the Order for Transfer against **FULGENCE KAYISHEMA** dated 4 July 2001.

Arusha, 4 April 2012, done in English.


Judge Vagn Joensen
President





**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)

To:	<input type="checkbox"/> Team I N. M. Diallo	<input type="checkbox"/> Team II R. N. Kouambo	<input type="checkbox"/> Team III C. K. Hometownu
	X <input type="checkbox"/> OIC, JLSJ P. Besnier	X <input type="checkbox"/> OIC, JPU C. K. Hometownu	<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison
From:	<input type="checkbox"/> Chamber President Vagn Joensen (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)
	<input type="checkbox"/> Other: (names)		
Case Name:	The Prosecutor vs. Fulgence Kayishema		Case Number: ICTR-00-67
Dates:	Transmitted: 4 April 2012		Document's date: 4 April 2012
No. of Pages:	4	Original Language:	X <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	Warrant of Arrest and Order for Transfer		
Classification Level:		TRIM Document Type:	
<input type="checkbox"/> Ex Parte <input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties <input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties <input type="checkbox"/> Disclosure X <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars <input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities	

2012 APR - 4 P 2:43
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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

CMS SHALL NOT take any action regarding translation.

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

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority <input type="checkbox"/> Urgent <input type="checkbox"/> Normal	COMMENTS	<input type="checkbox"/> Required date:
		<input type="checkbox"/> Hearing date:
		<input type="checkbox"/> Other deadlines: