

MICT-12-23-PT
08-03-2019
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UNITED
NATIONS



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-12-23-PT

Date: 8 March 2019

Original: English

BEFORE THE DUTY JUDGE

Before: Judge Vagn Joensen
Registrar: Mr. Olufemi Elias
Order of: 8 March 2019

PROSECUTOR

v.

FULGENCE KAYISHEMA

CONFIDENTIAL AND EX PARTE

EX - PARTE

WARRANT OF ARREST AND ORDER FOR TRANSFER
ADDRESSED TO ALL STATES

The Office of the Prosecutor:

Mr. Serge Brammertz

Received by the Registry
International Residual Mechanism for Criminal
Tribunals

08/03/2019 16:38

A handwritten signature in black ink, appearing to be the initials of the person who received the document.

I, VAGN JOENSEN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Duty Judge of the Arusha Branch of the Mechanism pursuant to Article 12(2) of the Statute (“Statute”);¹

BEING SEISED OF the Prosecution’s “Urgent Motion for Amendment of Arrest Warrant”, filed confidentially and *ex parte* on 7 March 2019 (“Motion”), in which the Prosecution requests that the warrant of arrest against Fulgence KAYISHEMA be amended to provide for his immediate arrest and transfer to the Mechanism, instead of the Republic of Rwanda;²

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

NOTING the “Warrant of Arrest and Order for Transfer Addressed to All States” issued by me, in my capacity as Single Judge of the Mechanism, on 7 May 2014 (“Warrant of Arrest and Order for Transfer of 7 May 2014”);

CONSIDERING Articles 1, 12(2), 18(2), 19, 28(1) and (2) of the Statute and Rules 28, 54, 55, and 57-61 of the Rules of Procedure and Evidence (“Rules”);

HEREBY VACATE the Warrant of Arrest and Order for Transfer of 7 May 2014; and

RESPECTFULLY DIRECT ALL Member States of the United Nations to act promptly and with all due diligence to:

- i. **SEARCH FOR, ARREST, and TRANSFER** to the custody of the Arusha Branch of the Mechanism 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 Fulgence KAYISHEMA at the time of his arrest or as soon as practicable immediately following his 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 Rules 48(G) and 57(C) 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;

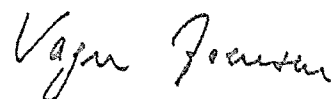
¹ See Order Amending 4 January 2016 Order Appointing A Duty Judge, Case No. MICT-12-01, 24 January 2019, p. 1.

² Motion, paras. 1, 5.

- iii. **INFORM** Fulgence KAYISHEMA at the time of his arrest or as soon as practicable immediately following his arrest, in a language he understands, that he is being transferred to the custody of the Arusha Branch of the Mechanism;
- iv. **SEEK AN ACKNOWLEDGMENT** of receipt from Fulgence KAYISHEMA 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 Office of the Prosecutor of the Mechanism (“Prosecution”);
- v. **SEARCH AND SEIZE** all physical evidence related to the crimes alleged against Fulgence KAYISHEMA;
- 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 Fulgence KAYISHEMA;
- vii. **TRANSFER** all seized evidence and the inventory to the Prosecution;
- viii. **NOTIFY** the Registrar of the Mechanism (“Registrar”) and the Prosecutor of the Mechanism (“Prosecutor”) of the arrest of Fulgence KAYISHEMA for the purposes of arranging his transfer to the custody of the Arusha Branch of the Mechanism;
- ix. **REPORT** forthwith to the Registrar and the Prosecutor 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 Fulgence KAYISHEMA 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.

Done in English and French, the English version being authoritative.

Done this 8th day of March 2019,
At Arusha,
Tanzania



Judge Vagn Joensen
Duty Judge

[Seal of the Mechanism]



UNITED NATIONS
International Residual Mechanism
for Criminal Tribunals



NATIONS UNIES
Mécanisme international appelé à exercer
les fonctions résiduelles des Tribunaux pénaux

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From/ De :	<input checked="" type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur
Case Name/ Affaire :	Prosecutor v. Fulgence Kayishema	Case Number/ Affaire n° :	MICT-12-23-PT
Date Created/ Daté du :	8 March 2019	Date transmitted/ Transmis le :	8 March 2019
		No. of Pages/ Nombre de pages :	3
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 ADDRESSED TO ALL STATES		
Classification Level/ Catégories de classification :	<input type="checkbox"/> Unclassified/ Non classifié	<input checked="" type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
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