



ICTR-02-79 R11bis
28-6-2012
(519-516)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

OFFICE OF THE PRESIDENT

Before: Judge Vagn Joensen
President of the Tribunal

Registrar: Mr. Adama Dieng

Date: 28 June 2012

THE PROSECUTOR

v.

Phénéas MUNYARUGARAMA

Case No. ICTR-02-79-1

2012 JUN 28 A 10:32
UNICTR
JUDICIAL RECORDS/ARCHIVE
RECEIVED

WARRANT OF ARREST AND ORDER FOR TRANSFER

TO: All Member States of the United Nations

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

BEING SEIZED of the Prosecutor’s Request for the Referral of the Case of Phénéas Munyarugarama to Rwanda Pursuant to Rule 11 *bis* of the Tribunal’s Rules of Procedure and Evidence filed on 13 June 2012 (“Request”);

CONSIDERING the Initial Indictment against **PHÉNÉAS MUNYARUGARAMA** (“Accused”) confirmed on 4 March 2002;

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

CONSIDERING further the Tribunal’s Decision of 28 June 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 respectively, 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 March 2002 requesting transfer of the Accused to the Tribunal’s Detention Facility with a request for his transfer to the Republic of Rwanda;

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:

PHÉNÉAS MUNYARUGARAMA

a Rwandan citizen believed to have been born on 1 January 1948 in Kidaho *commune* of Ruhengeri *prefecture*, in the Republic of Rwanda, who is

517

charged with the following crimes under the Tribunal's Statute committed in Rwanda between 1 January and 31 December 1994: Genocide pursuant to Articles 2(3)(a) and 2(3)(b), 6(1) and 6(3) of the Statute; Complicity in genocide pursuant to Articles 2(3)(e), 6(1) and 6(3) of the Statute; Direct and public incitement to commit genocide pursuant to Articles 2(3)(c), 6(1) and 6(3) of the Statute; Extermination as a crime against humanity pursuant to Articles 3(b), 6(1) and 6(3) of the Statute; Murder as a crime against humanity pursuant to Articles 3(a), 6(1) and 6(3) of the Statute; Persecution as a crime against humanity pursuant to Articles 3(h), 6(1) and 6(3) of the Statute; Rape as a crime against humanity pursuant to Articles 3(g), 6(1) and 6(3) of the Statute; and

- b. **SEARCH AND SEIZE** all physical evidence related to the crimes alleged against the Accused;
- 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;

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- g. **NOTIFY** the Registrar of the Tribunal and the Prosecutor-General 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;
- 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 the 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; and

HEREBY VACATE the Warrant of Arrest and the Order for Transfer against **PHÉNÉAS MUNYARUGARAMA** dated 4 March 2002.

Arusha, 28 June 2012, done in English.


Judge Vagn Joensen
President

[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)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo		<input type="checkbox"/> Trial Chamber II R. N. Kouambo		<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometownu	
	<input type="checkbox"/> OIC, JLSD P. Besnier		<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 II (names)		<input type="checkbox"/> Defence (names)		<input type="checkbox"/> Prosecutor's Office (names)	
	<input checked="" type="checkbox"/> Other: The President (names)					
Case Name:	The Prosecutor vs. PHENEAS MUNYARUGARAMA				Case Number: ICTR-2-79-I	
Dates:	Transmitted: 28 June 2012			Document's date: 28 June 2012		
No. of Pages:	5 (Incl. this sheet)		Original Language: <input checked="" 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 checked="" type="checkbox"/> Decision <input type="checkbox"/> Disclosure <input type="checkbox"/> Judgement <input type="checkbox"/> Warrant <input type="checkbox"/> Affidavit <input type="checkbox"/> Order <input type="checkbox"/> Motion <input type="checkbox"/> Correspondence <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Book <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 checked="" 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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<input type="checkbox"/> The OTP 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"/> DEFENCE 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	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input checked="" type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: