

ICTR-95-1D-I
01-07-2003
(27-25)

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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

UNITED NATIONS
NATIONS UNIES

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
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Before: Judge Erik Møse

Original: English

Registry: Mr. Adama Dieng

Decision of: 30 June 2003

THE PROSECUTOR

versus

ALOYS NDIMBATI

ICTR-95-1-I

2003 JUL -1 P 3: 20
ORIGINAL RECORDS/ARCHIVES
10TH

WARRANT OF ARREST AND TRANSFER

Office of the Prosecutor

Charles Adeogun-Phillips

TO: ALL MEMBER STATES OF THE UNITED NATIONS

C. h.

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal")

SITTING as Judge Erik Møse, designated pursuant to Rule 28 of the Tribunal's Rules of Procedure and Evidence ("the Rules");

RECALLING Articles 18(2), 19(2) and 28 of the Statute of the Tribunal ("the Statute") and Rules 40 and 54 to 59 of the Rules, in particular Rule 55 *bis*;

CONSIDERING that the Indictment against Aloys Ndimbati and seven others was confirmed on 28 November 1995 and subsequently amended on 29 April 1996 ("the Indictment");

NOTING the need to supplement a previous warrant of arrest with a more general request directed to all Member States of the United Nations;

HEREBY RESPECTFULLY REQUESTS all States that are members of the United Nations to:

(i) Search for, arrest and transfer to the Tribunal:

Aloys Ndimbati

a Rwandan citizen, born early to mid 1950s, who was a *Bourgmestre* of *Gisovu Commune*, Kibuye *Prefecture*, Rwanda in 1994, and who is accused of having committed during 1994 in Rwanda the following crimes: Conspiracy to commit Genocide, Genocide, Crimes against Humanity and violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II;

(ii) Serve on Aloys Ndimbati ("the Accused") at the time of his arrest, a certified copy of the Warrant of Arrest accompanied by a copy of the Indictment certified in accordance with Rule 47 (G) of the Rules and a statement of the rights of the Accused as set forth in Article 20 of the Statute and *mutatis mutandis* in Rules 42 and 43. If the Accused is unable to understand any of the Tribunal's official languages, these documents shall be served in a language he understands, provided this language is known to the Registrar;

(iii) Caution the Accused that any statement made by him shall be recorded and may be used as evidence against him;



(iv) Search for and seize all physical evidence related to the crimes for which the Accused is indicted. In the event of physical evidence being seized, prepare an inventory of all seized items and ensure that it is properly witnessed and acknowledged by the Accused. Thereafter transfer all seized items together with the inventory to the Office of the Prosecutor in Arusha, Tanzania;

(iv) Ascertain whether the Accused has assets located within the territory of the State concerned and if so, adopt provisional measures to freeze these assets, without prejudice to the rights of third parties;

(v) Promptly notify the Registrar of the Tribunal when the Accused is arrested and assist in effecting his transfer. If a State is unable to execute the present Warrant of Arrest and Transfer, the State concerned is requested to indicate the reasons for its inability to give effect thereto, pursuant to Rule 59(A) of the Rules.

ORDERS that Aloys Ndimbati shall be remanded in custody in the Tribunal's Detention Facility upon his transfer from the State in which he has been arrested.

Arusha, 30 June 2003,



Erik Møse

Judge

(Seal of the Tribunal)

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Case Name:	The Prosecutor vs. <i>Always Hdimbati</i>			Case Number: <i>ICTR-95-1-1</i>				
Date:	Transmitted: <i>1/7/03</i>		Document's date: <i>30/6/03</i>		No. of Pages: <i>3</i>			
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Doc. Title	<i>Doc. Warrant of arrest and transfer</i>							
Classification Level:		TRIM Doc Type:						
<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"/> Order <input type="checkbox"/> Motion <input type="checkbox"/> Judgement <input type="checkbox"/> Decision <input type="checkbox"/> Correspondence <input type="checkbox"/> Disclosure <input type="checkbox"/> Submission from parties <input type="checkbox"/> Submission from non-parties <input type="checkbox"/> Affidavit <input type="checkbox"/> Accused particulars <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Book <input type="checkbox"/> Book of Authorities						

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