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ICTR 95-1D-R11bis
30-04-2012
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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judge: Vagn Joensen
Judge President

Registrar: Adama Dieng

Date: 30 April 2012

2012 APR 30 P 5:16
JUDICIAL RECORDS/ARCHIVES
UNICTR
RECEIVED

THE PROSECUTOR

v.

Charles SIKUBWABO

Case No. ICTR-95-1D-R11bis

WARRANT OF ARREST AND ORDER FOR TRANSFER

Office of the Prosecutor:

For transmission to all Member States of
the United Nations

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

BEING SEIZED of the Prosecutor’s “*Ex Parte* and Confidential Request for a Warrant of Arrest and an Order for Transfer” of **CHARLES SIKUBWABO** filed on 12th April 2012 (“Request”);

CONSIDERING the Indictments against **CHARLES SIKUBWABO** (“Accused”) confirmed on 28 November 1995 by Judge T.H. Khan (Case No. ICTR-95-1-I) and on 6 October 2000 by Judge Asoka de Zoysa Gunawardana (Case No. ICTR-96-10-I);

CONSIDERING the Warrant of Arrest and Order for Transfer dated 30 June 2003, which is currently in force;

CONSIDERING further the Tribunal’s Decision of 26 March 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 and 1165 of 8 November 1994, 27 February 1995 and 30 April 1998, regarding the cooperation of States with the Tribunal;

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

NOTING the need to vacate the warrant of arrest dated 30 June 2003 requesting transfer of the Accused to the Tribunal’s Detention Facility, with a request for his transfer to the Republic of Rwanda:

I,

I. HEREBY RESPECTFULLY REQUEST 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.

CHARLES SIKUBWABO,

A Rwandan citizen, born around 1940, in Gishyita commune, Kibuye *préfecture*, 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

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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 crimes against humanity and violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II;


- (b) **SEARCH AND SEIZE** all physical evidence related to the crimes alleged against **CHARLES SIKUBWABO**;
- (c) **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;
- (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 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
- (h) **REPORT** forthwith to the Registrar of the Tribunal and the Prosecutor-General of 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;

Y.

- (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.

II. **HEREBY VACATE** the Warrant of Arrest and the Order for Transfer against **CHARLES SIKUBWABO** dated 30 June 2003.

Arusha, 30 April 2012, done in English.


Vagn Joensen
Judge and President of the Tribunal

[Seal of the Tribunal]



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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. Hometowu
	<input type="checkbox"/> OIC, JLSD P. Besnier	<input type="checkbox"/> OIC, JPU C. K. Hometowu	<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: Judge President (names)		
Case Name:	The Prosecutor vs. Charles Sikubwabo		Case Number: ICTR-ICTR-95-1D-R11bis
Dates:	Transmitted: 30 April 2012		Document's date: 30 April 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"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence	
<input type="checkbox"/> Strictly Confidential / Under Seal		<input checked="" type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book	
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement <input type="checkbox"/> Motion <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

KINDLY FILL IN THE BOXES BELOW

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