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ICTR-96-3-I
16 February 1996

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UNITED NATIONS NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE No: ICTR-96-3-I

WARRANT OF ARREST
AND REQUEST FOR CONTINUED DETENTION

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Case No. ICTR-96-3-I

BEFORE A JUDGE OF THE TRIAL CHAMBER

Before: Judge William H. Sekule
Registrar: Dr. Andronico O. Adede
On Behalf of the Prosecutor: Sara Darehshori

Decision of: 16 February 1996

THE PROSECUTOR

v.

GEORGES ANDERSON NDERUBUMWE RUTAGANDA

WARRANT OF ARREST AND REQUEST FOR CONTINUED DETENTION

To: The Republic of Zambia

I, William H. Sekule, Judge of the International Criminal Tribunal for Rwanda,

CONSIDERING United Nations Security Council Resolution 978 of 27 February 1995, and Articles 19(2) and 28 of the Statute, and Rules 54 to 61 of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda,

CONSIDERING the indictment submitted by the Prosecutor against Georges Anderson Nderubumwe Rutaganda and my order confirming the indictment on the 16th day of February 1996, a copy of which is annexed to this warrant of arrest,

HEREBY DIRECT the autorities of the Republic of Zambia to arrest and to continue to detain on behalf of the International Criminal Tribunal for Rwanda:

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Georges Anderson Nderubumwe Rutaganda, born in 1958 in Masango Commune, Gitarama Prefecture, territory of Rwanda,

Alleged to have committed, between about 6 April 1994 to 30 June 1994 in Gitarama and Kigali Prefectures in Rwanda, the following crimes: Genocide, Crimes Against Humanity and Violations of Article 3 common to the Geneva Conventions, within the competence of the International Criminal Tribunal for Rwanda by virtue of Articles 2, 3 and 4 respectively,

And to advise the said Georges Anderson Nderubumwe Rutaganda,in a language he understands, of his rights as set forth in Article 20 of the Statute and, *mutatis mutandis*, in Rules 42 and 43 of the Rules of Procedure and Evidence which are set out below, and of his right to remain silent, and to caution him that any statement he makes shall be recorded and may be used in evidence. The indictment and review of the indictment (and all other documents annexed to the present warrant) must also be brought to the attention of the accused,

REQUEST THAT the Republic of Zambia report forthwith to the Registrar of the International Criminal Tribunal for Rwanda if it is unable to execute the present warrant of arrest, indicating the reasons for its inability pursuant to Rule 59(A) of the Rules of Procedure and Evidence,

REQUEST THAT the Republic of Zambia report forthwith to the Registrar of the International Criminal Tribunal for Rwanda if it is unable to continue to detain Georges Anderson Nderubumwe Rutaganda, indicating the reasons for its inability pursuant to Rule 57 of the Rules of Procedure and Evidence.

William H. Sekule
Judge, Trial Chamber
International Criminal Tribunal for Rwanda

Dated this 16th day of February 1996,
At Arusha, Tanzania

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Article 20

Rights of the accused

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;

(c) To be tried without undue delay;

(d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

(g) Not to be compelled to testify against himself or herself or to confess guilt.

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Rights of Suspects during Investigation

(A) A suspect who is to be questioned by the Prosecutor shall have the following rights, of which he shall be informed by the Prosecutor prior to questioning, in a language he speaks and understands:

(i) the right to be assisted by counsel of his choice or to have legal assistance assigned to him without payment if he does not have sufficient means to pay for it;

(ii) the right to have the free assistance of an interpreter if he cannot understand or speak the language to be used for questioning; and

(iii) the right to remain silent, and to be cautioned that any statement he makes shall be recorded and may be used in evidence.

(B) Questioning of a suspect shall not proceed without the presence of counsel unless the suspect has voluntarily waived his right to counsel. In case of waiver, if the suspect subsequently expresses a desire to have counsel, questioning shall thereupon cease, and shall only resume when the suspect has obtained or has been assigned counsel.

Rule 43

Recording Questioning of Suspects

Whenever the Prosecutor questions a suspect, the questioning shall be audio-recorded or video-recorded, in accordance with the following procedure:

(i) the suspect shall be informed in a language he speaks and understands that the questioning is being audio-recorded or video-recorded;

(ii) in the event of a break in the course of the questioning, the fact and the time of the break shall be recorded before audio-recording or video-recording ends and the time of resumption of the questioning shall also be recorded;

(iii) at the conclusion of the questioning the suspect shall be offered the opportunity to clarify anything he has said, and to add anything he may wish, and the time of conclusion shall be recorded;

(iv) the tape shall then be transcribed as soon as practicable after the conclusion of questioning and a copy of the transcript supplied to the suspect, together with a copy of the recorded tape or, if multiple recording apparatus was used, one of the original recorded tapes; and

(v) after a copy has been made, if necessary, of the recorded tape for purposes of transcription, the original recorded tape or one of the original tapes shall be sealed in the presence of the suspect under the signature of the Prosecutor and the suspect.

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