

ICTR-97-27-I
6.10.1997
(28-25)

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UNITED NATIONS



NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

Before: Judge Lennart Aspegren

OR: ENG

Registry: Mr. Frederik Harhoff
Ms. Prisca Nyambe

Order of: 3 October 1997

THE PROSECUTOR

VERSUS

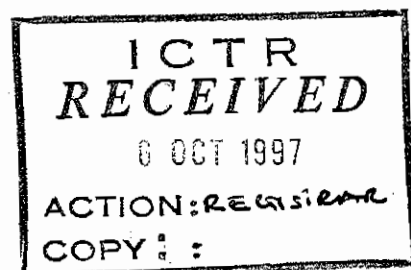
HASSAN NGEZE

Case No. ICTR-97-27-I

WARRANT OF ARREST

The Office of the Prosecutor:

Mr. James Stewart
Mr. Craig McConaghy



ICTR-97-27-I

THE INTERNATIONAL CRIMINAL TRIBUNAL for RWANDA (the "TRIBUNAL"),

SITTING AS Judge Lennart Aspegren, designated by the President of the Tribunal according to Rule 28 of the Rules of Procedure and Evidence ("the Rules");

CONSIDERING Articles 19 (2) and 28 of the Statute of the Tribunal ("the Statute") and Rules 54 to 61 of the Rules;

CONSIDERING the indictment submitted on 1 October 1997 by the Prosecutor against **Hassan NGEZE**;

CONSIDERING the Tribunal's Decision of 3 October 1997 confirming the said indictment;

TAKING INTO ACCOUNT that the accused was arrested by the Kenyan authorities on 18 July 1997 and transferred to the Tribunal's Detention Facilities on that same day pursuant to an order for arrest and provisional detention issued by the Tribunal on 16 July 1997;

CONSIDERING the order issued by the Tribunal pursuant to Rule 40bis(F) on 14 August 1997, extending the provisional detention for a 30 day period from 18 August 1997 up to and including 16 September 1997, and the order issued by the Tribunal on 16 September 1997 pursuant to Rule 40bis(G) for a final and maximum period of 20 days from 17 September 1997 up to and including 6 October 1997;

HEREBY

(1) **DIRECTS** the Commanding Officer of the Tribunal's Detention Facilities to arrest and to maintain in custody, on behalf of the Tribunal:

Hassan NGEZE, born in 1961 in Rubavu Commune, Gisenyi Prefecture, Rwanda.

(2) **FURTHER DIRECTS** the Commanding Officer:

(i) to advise and inform the accused, **Hassan Ngeze**, in a language he understands:

- of the indictment against him, the supporting material and the Tribunal's decision of 3 October 1997 confirming the said indictment, each of which is annexed in copy to this warrant of arrest;
- of his rights as set forth in Article 20 of the Statute and, *mutatis mutandis*, in Rules 42 and 43 of the Rules, which are further annexed to this warrant of arrest; and
- of his right to remain silent;

(ii) to caution him that any statement he makes shall be recorded and may be used in evidence;

Arusha, 16 3 octobre 1997

Lennart Aspegren
Lennart Aspegren
Judge



97-27/ord/wararrest/eng

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.

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.