

ICTR-97-36-I  
10-10-97  
(31-29)

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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

Decision of: 10 October 1997

**THE PROSECUTOR**

**VERSUS**

**EMMANUEL BAGAMBIKI and  
YUSUF MUNYAKAZI**

**Case No. ICTR-97-36-I**

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**WARRANT OF ARREST AND ORDER FOR SURRENDER**

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The Office of the Prosecutor:

Mr. Frédéric Ossogo  
Mr. Luc Côté

97-36/ord/wararrest/eng

ICTR  
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**ADDRESSED TO THE AUTHORITIES OF THE REPUBLIC OF TOGO:**

**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 Article 19 (2) and 28 of the Statute of the Tribunal, and Rules 54 to 61 of the Rules;

CONSIDERING the indictment submitted on 9 October 1997 by the Prosecutor against, *i.a.*, Emmanuel BAGAMBIKI and Yusuf MUNYAKAZI, and the Tribunal's Decision of 10 October 1997 confirming the said indictment;

**HEREBY RESPECTFULLY**

(1) REQUESTS the Authorities of the Republic of Togo to search for and arrest, on behalf of the Tribunal:

**EMMANUEL BAGAMBIKI**, born in Cyangugu Prefecture, Rwanda, and  
**YUSUF MUNYAKAZI**, born in Kibuye Prefecture, Rwanda,

both of whom are accused of having committed, in or about April 1994 in Rwanda, the following crimes: genocide, complicity in genocide, conspiracy to commit genocide, crimes against humanity and serious violations of Article 3 common to the 1949 Geneva Conventions and of Additional Protocol II thereto; and

(2) FURTHER REQUESTS the Togolese Authorities, upon arrest of each of the accused EMMANUEL BAGAMBIKI et YUSUF MUNYAKAZI:

- (i) to advise and inform him, in a language he understands:
  - of the indictment issued against him, the supporting material and the Tribunal's decision of 10 October 1997 confirming the said indictment, each of which is annexed in copy to this warrant of arrest and order for surrender;
  - 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 order for surrender; 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;

(3) REQUESTS the Togolese Authorities, upon arrest of either of the accused, to promptly notify the Registrar of the Tribunal, for the purposes of arranging his transfer to the custody of the Tribunal, and to surrender him to the Tribunal without delay;

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(4) REQUESTS that the Togolese Authorities report forthwith to the Registrar of the Tribunal if they are unable to execute the present warrant of arrest and order for surrender, indicating the reasons for their inability to give effect thereto, pursuant to Rule 59(A) of the Rules;

(5) REMINDS the Togolese Authorities of the order issued by the confirming Judge that there be non-disclosure to the public of the indictment and the supporting material until the warrant of arrest has been served on both accused.

Arusha, 10 October 1997

*Lennart Aspegren*  
Lennart Aspegren  
Judge

