

ICTR-97-20-I
24.10.1997
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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
Mr. Antoine Kesia-Mbe Mindua

Decision of: 23 October 1997

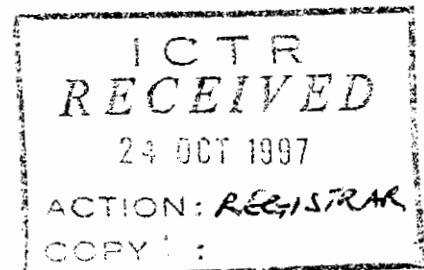
THE PROSECUTOR
VERSUS
LAURENT SEMANZA

Case No. ICTR-97-20-I

WARRANT OF ARREST AND ORDER FOR SURRENDER

The Office of the Prosecutor:

Mr. Luc Côté
Mr. Jean Pierre Gervais
Ms. Josée D'Aoust



ADDRESSED TO THE GOVERNMENT OF THE REPUBLIC OF CAMEROON:

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 16 October 1997 by the Prosecutor against Laurent SEMANZA, and the Tribunal's Decision of 23 October 1997 confirming all seven counts against him in the said indictment;

HEREBY RESPECTFULLY

(1) REQUESTS the Government of the Republic of Cameroon to arrest, on behalf of the Tribunal:

LAURENT SEMANZA, a Rwandan citizen
born in 1944 in Musasa Commune, Kigali rural Prefecture, Republic of Rwanda;

who is accused of having committed, during 1994 in Rwanda, the following crimes: genocide, incitement to commit genocide, complicity in genocide, crimes against humanity, and serious violations of Article 3 common to the 1949 Geneva Conventions and of the 1977 Additional Protocol II thereto; and

(2) FURTHER REQUESTS the Government of Cameroon, upon arrest of the accused Laurent SEMANZA:

- (i) to advise and inform him, in a language he understands:
 - of the indictment issued against him and the Tribunal's decision of 23 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;

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

(3) REQUESTS the Government of Cameroon, upon arrest 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;

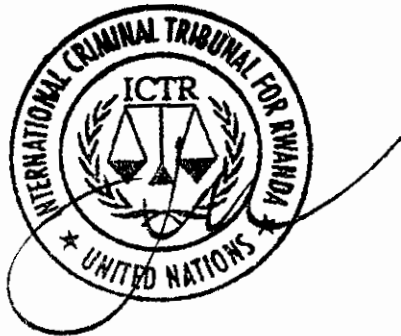
(4) REQUESTS that the Government of Cameroon report forthwith to the Registrar of the Tribunal if it is unable to execute the present warrant of arrest and order for surrender, indicating the reasons for its inability to give effect thereto; pursuant to Rule 59(A) of the Rules;

(5) REMINDS the Government of Cameroon of the order issued by the Tribunal when confirming the indictment that there be non-disclosure to the public of the indictment until this warrant of arrest has been served on the accused Laurent SEMANZA;

Arusha, 23 October 1997

Lennart Aspegren
Lennart Aspegren
Judge

(Seal of the Tribunal)



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THE PROSECUTOR

VERSUS

LAURENT SEMANZA

Case N° ICTR-97-20-I

DECISION CONFIRMING THE INDICTMENT

The Office of the Prosecutor:

Mr. Luc Coté
Mr. Jean Pierre Gervais
Ms. Josée D'Aoust

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24 OCT 1997
ACTION: *REGISTRAR*
COPY :

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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 Tribunal's Rules of Procedure and Evidence ("the Rules");

HAVING RECEIVED on 16 October 1997 from the Prosecutor the enclosed indictment against **Laurent SEMANZA** and the supporting material attached to this indictment, pursuant to Articles 17 and 18 of the Statute of the Tribunal and Rule 47 (A), (B) and (C) of the Rules;

TAKING INTO ACCOUNT the Tribunal's decision of 3 March 1997 pursuant to Rule 40bis(B) of the Rules, in which the Tribunal requested the Cameroonian authorities to proceed with the transfer of Laurent SEMANZA to the Tribunal's Detention Unit;

HAVING HEARD the Prosecutor during the review held on 17 October 1997 under Rule 47 (D) of the Rules;

HAVING NOTED that the Prosecutor, upon questions asked by the Tribunal during the review, made the following amendments to the indictment:

- in paragraph 3.1 in the statement of facts in the French version of the indictment, the word "les" is included immediately before the word "Hutu";
- in paragraphs 3.6 in the statement of facts in the English version of the indictment, the words "President of the MRND in the greater Kigali area and", and in the French version of the indictment the words: "Président du MRND pour le grand Kigali et" are deleted;

BEING SATISFIED from the material tendered by the Prosecutor that there is sufficient evidence to provide reasonable grounds for believing that the suspect has committed crimes within the jurisdiction of the Tribunal, and is thereby convinced that a *prima facie* case has been established in relation to the suspect with regard to each of the seven counts as set out in the indictment;

HEREBY

CONFIRMS the indictment submitted by the Prosecutor against **Laurent SEMANZA** with respect to all seven counts of the indictment, namely:

- genocide;
- incitement to commit genocide;
- complicity in genocide,
- crimes against humanity (murder);
- crimes against humanity (extermination);
- crimes against humanity (persecution); and
- serious violations of Article 3 common to the 1949 Geneva Conventions and of the 1977 Additional Protocol II thereto;

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TAKES NOTE of the Prosecutor's prayer that a warrant of arrest and an order for surrender to the Tribunal's Detention Facility be issued against the accused Laurent SEMANZA, who is presently held in custody in Yaoundé in the Republic of Cameroon since his arrest on 27 March 1996 by the Cameroonian authorities;

ORDERS, pursuant to Rule 53(B) of the Rules and after consultation with the Prosecutor during the review of this indictment, that there be non-disclosure to the public of the indictment until the warrant of arrest has been served on the accused;

DIRECTS the Registrar, in accordance with Rule 55(B) of the Rules, to serve this Decision and the Tribunal's warrant of arrest and order for surrender of the accused on the Government of the Republic of Cameroon.

Arusha, 23 October 1997

Lennart Aspegren
Lennart Aspegren
Judge

