

ICTR-96-14-I

UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR
CRIMINAL REGISTRY
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1998 DEC 16 A 11: 30

Before: Judge Yakov A. Ostrovsky

OR: ENG.

Registry: Ms. Prisca Nyambe

Decision of: 16 December 1998

THE PROSECUTOR

VERSUS

ELIEZER NIYITEGEKA

Case No. ICTR-96-14-I

WARRANT OF ARREST AND ORDER FOR TRANSFER AND DETENTION

Office of the Prosecutor:

Mr. Mohamed Othman

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ADDRESSED TO THE GOVERNMENT OF THE REPUBLIC OF KENYA:

I Yakov A. Ostrovsky, Judge of the International Criminal Tribunal for Rwanda (“the Tribunal”);

CONSIDERING United Nations Security Council Resolutions 955 and 978 of 8 November 1994 and 27 February 1995, respectively, regarding the cooperation of States with the Tribunal;

CONSIDERING Articles 18(2), 19(2) and 28 of the Statute of the Tribunal (“the Statute”), and Rules 40, and 54 to 61 of the Rules of Procedure and Evidence (“the Rules”);

CONSIDERING the indictment against Eliezer Niyitegeka (“the accused”), which was confirmed by me on 15 July 1996, and included an order of non disclosure;

CONSIDERING that the accused is believed to be residing currently or was last known to be residing in the Republic of Kenya;

HEREBY RESPECTFULLY

REQUESTS the Government of Republic of Kenya to:

(i) search for, arrest and transfer to the Tribunal:

ELIEZER NIYITEGEKA,

a Rwandan citizen believed to have been born in Kibuye *Prefecture*, Republic of Rwanda (date of birth unknown),

who is accused of having committed, between 9 April and 30 June 1994 in Kibuye *Prefecture* in Rwanda, the following crimes: genocide, conspiracy to commit genocide, crimes against humanity, and violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the protection of War Victims, and of Additional Protocol II thereto of 8 June 1977, within the competence of the Tribunal by virtue of Articles 2, 3 and 4 of the Statute respectively;

(ii) serve on the accused, at the time of arrest, a certified copy of the warrant of arrest accompanied by a copy of the redacted indictment certified in accordance with Rule 47(G) of the Rules and a statement of the rights of the accused as set forth in Article 20 of the Statute and *mutatis mutandis* in Rules 42 and 43;

(iii) serve on the accused the redacted warrant of arrest, the redacted indictment and the statement of rights of the accused in a language he understands, in the event that he is unable to understand either of the Tribunal’s official languages and provided the language understood by the accused is known to the Registrar;

(iv) caution the accused that any statement made by him shall be recorded and may be used as evidence against him;

(v) notify the Registrar of the Tribunal of the arrest of the accused, 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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(vi) 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.

ORDERS

that the accused, **Eliezer Niyitegeka** be remanded in custody, in the Tribunal's detention facility, upon his transfer from the Republic of Kenya.

Arusha, 16 December 1998


Yakov A. Ostrovsky
Judge

[Seal of the Tribunal]