

ICTR-2000-56-I
25-2-2000
639-637

639

Case No. ICTR-2000-56-I

Date :

ENGLISH

Original: FRENCH

UNITED NATIONS



International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law committed in the territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994

Before Judge: Laity Kama
Registry: Ms Marianne Ben Salimo
Decision of: 28 January 2000

10 FEB 25 P 4: 20
ICTR
COURT MGMT.
RECEIVED

THE PROSECUTOR

vs.

AUGUSTIN NDINDILYIMANA

WARRANT OF ARREST AND ORDER FOR TRANSFER AND DETENTION

Office of the Prosecutor:
Mr. Mohamed Chande Othman
Mr. David Spencer
Ms Josée D'Aoust

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”)

In the person of Judge Laïty Kama, designated by the President of the Tribunal, pursuant to the provisions of Rule 28 of the Rules of Procedure and Evidence (“the Rules”);

HAVING REGARD to Articles 18 (2), 19 (2) and 28 of the Statute of the Tribunal (“the Statute”) and Rules 40 and 54 to 59 *bis* of the Rules;

HAVING REGARD to the indictment issued by the Prosecutor against Augustin Ndindiliyimana (the Accused), and confirmed by the Tribunal on 28 January 2000;

WHEREAS there is reason to believe that the Accused is currently on the territory of the Kingdom of Belgium;

RESPECTFULLY REQUESTS the Government of the Kingdom of Belgium;

- (i) To find, arrest and transfer to the Tribunal:

AUGUSTIN NDINDILYIMANA

a citizen of Rwanda, born in 1943 in Nyaruhengeri *commune*, Butare *préfecture*, Rwanda, exact date of birth unknown, who is accused of committing in 1994 in Rwanda the following crimes: Conspiracy to commit Genocide, Genocide, Complicity in Genocide, Crimes against Humanity and Serious Violations of Article 3 Common to the Geneva Conventions of 1949 and of Additional Protocol II;

- (ii) To serve on the accused, at the time of his arrest, a certified copy of the warrant of arrest, together with a certified copy of the indictment, pursuant to the provisions of Rule 47 (G) of the Rules, and to read to him his rights under Article 20 of the Statute and *mutatis mutandis* Rules 42 and 43 of the Rules;
- (iii) To serve on him the warrant of arrest, the indictment, and to read to him his rights in a language he understands, if he does not understand either of the official languages of the Tribunal, subject to that language being known to the Registrar;
- (iv) To inform him that anything he says shall be recorded and may be used in evidence against him;
- (v) To ensure, if necessary, that the Registrar of the Tribunal is informed if it is not possible to execute the instant warrant of arrest and order for transfer, indicating the reason for the inability to implement the measures requested, pursuant to Rule 59 (A) of the Rules;

ORDERS that, immediately upon transfer, the Accused, Augustin Ndindiliyimana, be provisionally

637

detained at the United Nations Detention Facility.

Done in Arusha, this 28th day of January 2000

[Signed]
Laity Kama
Judge

[Seal of the Tribunal]