

UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda

TRIAL CHAMBER I

OR: ENG

Before: Judge Asoka de Z. Gunawardana

Date: 13 March 2001

THE PROSECUTOR
v.
SAMUAL MUSABYIMANA

JUDICIAL RECORDS ARCHIVES
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Case No. ICTR-2001-62-I

**WARRANT OF ARREST AND
ORDER FOR TRANSFER AND DETENTION**

The Office of the Prosecutor:

Silvana Arbia

[Signature]

[Signature]
13.03.2001

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (Tribunal),

SITTING as Judge Asoka de Z. Gunawardana, designated by the President of the Tribunal pursuant to Rule 28 of the Tribunal's Rules of Procedure and Evidence of the Tribunal (Rules);

BEING SIEZED of the Prosecutor's "Ex Parte Request for Search, Seizure, Arrest and Transfer" of SAMUAL MUSABYIMANA (the Accused), filed on 28 February 2001 (the Request);

CONSIDERING United Nations Security Council Resolutions 955, 978 and 1165 of 8 November 1994, 27 February 1995 and 30 April 1998, regarding the cooperation of States with the Tribunal;

CONSIDERING Articles 18(2) and 28 of the Statute of the Tribunal (Statute) and Rules 40 and 54 to 61;

CONSIDERING the indictment against SAMUAL MUSABYIMANA, dated 13 March 2001, filed with the Registry on 21 February 2001 as revised on 13 March 2001, and confirmed on 13 March 2001.

HEREBY RESPECTFULLY REQUESTS the Government of Kenya to:

(a) **ARREST and TRANSFER** to the Tribunal:

SAMUAL MUSABYIMANA

a Rwandan citizen, believed to have been born in Mwendo *commune*, Kibuye *préfecture*, in the Republic of Rwanda; in 1994 he was Bishop of the Anglican Church in Shyogwe Diocese, Gitarama *préfecture*, in the Republic of Rwanda; currently believed to reside in the territory of the Republic of Kenya;

who is charged with the following crimes under the Tribunal's Statute committed in Rwanda between 1 January and 31 December 1994: **genocide** pursuant to Article 2(3)(a), or, in the alternative, **complicity in genocide** pursuant to Article (2)(3)(e); **conspiracy to commit genocide**, pursuant to Article (2)(3)(b); and **crimes against humanity for extermination** pursuant to Article (3)(b).

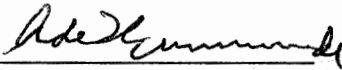
(b) **SEARCH AND SEIZE** all physical evidence related to the crimes charged to SAMUAL MUSABYIMANA, create an itemised inventory that is properly witnessed, and acknowledged by the Accused, and transfer said evidence and the inventory to the Office of the Prosecutor in Arusha, Tanzania.

(c) **SERVE** on the Accused, at the time of arrest, or as soon as is practicable immediately following arrest in a language he understands if that language is known to the Registrar at the time of service, a certified copy of this warrant of arrest, accompanied by a copy of the indictment certified in accordance with Rule 47(g) 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;

- (d) **SEEK AN ACKNOWLEDGEMENT** of receipt from the Accused of a copy of the warrant of arrest, the indictment and the statement of rights in a language he understands, and transmit said acknowledgment to the Registrar of the Tribunal;
- (e) **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 the Accused to the Tribunal without delay; and
- (f) **REPORT** forthwith to the Registrar of the Tribunal if unable to execute this warrant of arrest and order for transfer and detention, indicating the reasons for its inability to give effect thereto, pursuant to Rule 59(A).

The Tribunal **ORDERS** that SAMUAL MUSABYIMANA be remanded into the custody of the Tribunal's Detention Facility upon his transfer to the seat of the Tribunal, at Arusha, Tanzania.

Arusha, 13 March 2001.



 Asoka de Z. Gunawardana
 Judge



Seal of the Tribunal