

ICTR-2001-69-1
5-7-2001
(89-87)

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UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda

TRIAL CHAMBER III

OR: ENG

Before: Judge Pavel Dolenc

Registrar: Adama Dieng

Date: July 5 2001

JUDICIAL RECORDS/ARCHIVES
ICTR
2001 JUL -5 P 7 30
Dieng

THE PROSECUTOR

v.

Hormisdas NSENGIMANA

Case No. ICTR-2001-69-I

**WARRANT OF ARREST AND
ORDERS FOR TRANSFER AND DETENTION
AND FOR SEARCH AND SEIZURE**

The Office of the Prosecutor:

Silvana Arbia

1. **THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (Tribunal),

SITTING as Judge Pavel Dolenc, designated by the President of the Tribunal pursuant to Rule 28 of the Tribunal's Rules of Procedure and Evidence of the Tribunal (the "Rules");

BEING SEIZED of the Prosecutor's "Ex Parte Request for Search, Seizure, Arrest and Transfer" of Hormisdas NSENGIMANA filed on 20 June 2001 (the "Request");

CONSIDERING the Indictment against Hormisdas NSENGIMANA (the Accused) dated 8 June 2001, filed on June 21 2001 with the Registry, and confirmed by Judge Dolenc on July 5, 2001;

CONSIDERING United Nations Security Council Resolutions 955, 978 and 1165 of 8 November 1994, 27 February 1995 and 30 April 1998, regarding, *inter alia*, 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 47(H)(i), 54 to 58, and 64;

2. **HEREBY RESPECTFULLY REQUESTS THE MEMBER STATE TO:**

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

Hormisdas NSENGIMANA,

a Rwandan citizen, believed to have been born on 6/8/1954 in Cyanika *commune*, Gikongoro *préfecture*, in the Republic of Rwanda; who in 1994 was a priest, with the function of Rector of Christ-Roi College, in Nyanza, Nyabisundi *commune*, Butare *préfecture*, in the Republic of Rwanda, whose whereabouts are unknown;

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), conspiracy to commit genocide, pursuant to Article (2)(3)(b); crimes against humanity: murder pursuant to Article 3(a) and extermination pursuant to Article (3)(b);

- (b) **SEARCH AND SEIZE** all physical evidence related to the crimes alleged against Hormisdas NSENGIMANA;

(c) **CREATE** an itemised inventory of all seized materials, including documents, books, papers or any other objects, that is properly witnessed and is acknowledged by the Accused;

(d) **TRANSFER** all seized evidence and the inventory to the Office of the Prosecutor of the ICTR;

(e) **SERVE** on the Accused, at the time of arrest or as soon as is practicable immediately following arrest, in a language he understands, 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 in Rules 42 and 43;

(f) **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 return one set of documents together with proof of service to the Registrar of the Tribunal pursuant to Rule 55(C);

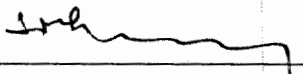
(g) **NOTIFY** the Registrar of the Tribunal of the arrest of the Accused, for the purposes of arranging his transfer to the custody of the Tribunal without delay; and

(h) **REPORT** forthwith to the Registrar of the Tribunal if unable to execute this Warrant or Order for Transfer, indicating the reasons for its inability to give effect thereto, pursuant to Rule 59(A).

3. The Tribunal further **ORDERS**, pursuant to Rule 64, that **Hormisdas NSENGIMANA** be detained in the Tribunal's Detention Unit upon his transfer to the seat of the Tribunal, at Arusha, United Republic of Tanzania.

4. The Tribunal further **DIRECTS** the Registrar of the Tribunal to cooperate with the authorities of the arresting state in the execution of this Order, and, in particular, paragraphs 2(c) through 2(f) above.

Arusha, July 5, 2001.



Judge Pavel Dolenc

Seal of the Tribunal