

ICTR-2001-77-I
13-12-2001
(154-152)

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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

UNITED NATIONS
NATIONS UNIES

Original : English

Before: Judge Navanethem Pillay

Registrar: Mr. Adama Dieng

Decision date: 13 December 2001

THE PROSECUTOR
v.
Joseph NZABIRINDA
Case No. ICTR-2001-77-I

JUDICIAL RECORDS/ARCHIVES
ICTR
2001 DEC 13 P 7:37
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WARRANT OF ARREST AND ORDER FOR TRANSFER AND DETENTION

Office of the Prosecutor:

- Ms Silvana Arbia
- Mr. Japhet Mono
- Mr. Jonathan Moses
- Mr. Gregory Townsend
- Ms Adesola Adeboyejo
- Mr. Manuel Bouwknecht

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (Tribunal),

SITTING as Judge Navanethem Pillay, as designated pursuant to Rule 28 of the Rules of Procedure and Evidence of the Tribunal (the "Rules");

BEING SEIZED of the Prosecutor's "Ex Parte Motion for Search, Seizure, Arrest and Transfer" of Joseph Nzabirinda filed on 6 December 2001 (the "Motion");

HAVING HEARD the Motion and the Prosecutor's additional request made orally for the relief as set out in paragraph (e) below, on 12 December 2001;

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 ("the Statute") and Rules 40 and 54 to 61, including Rule 55 *bis* (providing for addressing warrants to all States);

CONSIDERING the indictment against Joseph Nzabirinda (the Accused) dated 6 December 2001, filed on 6 December 2001 with the Registry, and confirmed by Judge Navanethem Pillay on 13 December 2001;

HEREBY RESPECTFULLY REQUESTS all States to:

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

Joseph NZABIRINDA,

nicknamed "**BIROTO**" who was born in 1957 at SAHERA sector, NGOMA commune, BUTARE prefecture, RWANDA. He was a former employee of Ngoma commune working as *Encadreur* of the youths.

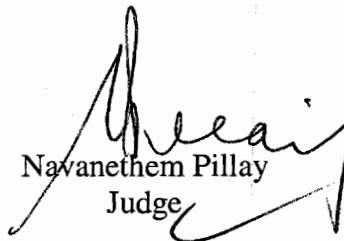
Joseph Nzabirinda is charged with the following crimes under the Tribunal's Statute committed in Rwanda between 1 January and 31 December 1994: genocide pursuant to Article 2(3)(a), or, in the alternative, complicity in genocide pursuant to Article (2)(3)(e); two crimes against humanity: extermination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

- (b) **SEARCH AND SEIZE** all physical evidence related to the crimes charged to Joseph NZABIRINDA, 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, 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) **MAKE** inquiries with a view to discovering whether the Accused has assets located within the territory of the State and, if so, to adopt provisional measures to freeze such assets, without prejudice to the rights of third parties, until any further Order of the Tribunal;
 - (f) **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
 - (g) **REPORT** forthwith to the Registrar of the Tribunal if unable to execute this warrant of arrest and order for surrender, indicating the reasons for its inability to give effect thereto, pursuant to Rule 59(A).
3. The Tribunal further **ORDERS** that **Joseph NZABIRINDA** be remanded into the custody of the Tribunal's detention facility upon his transfer to the seat of the Tribunal, at Arusha, Tanzania.
4. The Tribunal further **DIRECTS** the Registrar to assist all state authorities in execution of this Order, and, in particular, assist in the execution of paragraphs 2 (b) through 2 (d) above.

Arusha, 13 December 2001


Navanethem Pillay
Judge

Seal of the Tribunal