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ICTR-04-81-1
22-03-2004
(258-256)



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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S. MUSA

TRIAL CHAMBER I

Before: Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 22 March 2004

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THE PROSECUTOR

v.

Ephrem SETAKO

Case No. : ICTR-2004-81 -1

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

TO: The Kingdom of the Netherlands

SE

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("Tribunal");

SITTING as Judge Sergei Alekseevich Egorov, confirming judge, designated by the President of the Tribunal pursuant to Rule 28 of the Tribunal's Rules of Procedure and Evidence ("Rules");

BEING SEIZED of the Prosecutor's request to issue a warrant of arrest and order of transfer of the accused and any seized items filed on 16 March 2004 in the form of a letter to the President of the Tribunal and the further oral request during the confirmation hearing on 22 March 2004;

CONSIDERING Articles 18(2), 19(2), and 28 of the Statute of the Tribunal and Rules 40, 47(H)(i) and 54-61;

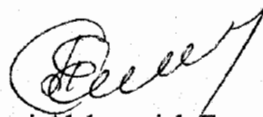
CONSIDERING the indictment against Ephrem Setako filed on 22 March 2004, which was confirmed on 22 March 2004;

HEREBY RESPECTFULLY REQUESTS the Kingdom of the Netherlands to:

- (i) **Arrest and Transfer** to the seat of the Tribunal Ephrem Setako, a citizen of Rwanda, born in Nkuli commune, Ruhengeri prefecture, Rwanda, who is accused of having committed during 1994 in Rwanda the following crimes: Genocide, Complicity in Genocide, Murder as a Crime against Humanity, Extermination as a Crime against Humanity, and Serious Violations of Common Article 3 to the Geneva Conventions and Additional Protocol II thereto as set forth in the indictment against him filed and confirmed on 22 March 2004;
- (ii) **Search for and Seize** all physical evidence related to the crimes alleged to have been committed by Ephrem Setako and to transfer all such evidence to the Office of the Prosecutor in Arusha, Tanzania;
- (iii) **Serve** on Ephrem Setako, at the time of his 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 against him filed and confirmed on 22 March 1994 and 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;
- (iv) **Caution** Ephrem Setako 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 Ephrem Setako for the purposes of arranging his transfer to the custody of the Tribunal and surrender Ephrem Setako to the Tribunal without delay; and
- (vi) **Report** forthwith to the Registrar of the Tribunal if unable to execute the present warrant of arrest and order for surrender, indicating the reasons for the inability to give effect thereto, pursuant to Rule 59(A) of the Rules.

THE TRIBUNAL FURTHER ORDERS that Ephrem Setako be placed into the custody of the Tribunal's detention facility upon his transfer to the seat of the Tribunal, in Arusha, Tanzania.

Arusha, 22 March 2004



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

