

MICT-13-38

29-04-2013

(16 - 13)

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**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-13-38

Date: 29 April 2013

Original: English

SINGLE JUDGE

Before: Judge Vagn Joensen, Single Judge

Registrar: Mr. John Hocking

THE PROSECUTOR

v.

Félicien KABUGA

WARRANT OF ARREST AND ORDER FOR TRANSFER

ADDRESSED TO ALL STATES

Rule 57 of the Rules of Procedure and Evidence

The Office of the Prosecutor:

Hassan Bubacar Jallow
Murtaza Jaffer
Teresa Berrigan
Sunkarie Ballah-Conteh

Received by the Registry
Mechanism for International Criminal Tribunals
29/04/2013 10:08
McCullister

V.

THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (“MICT”):

SITTING as Single Judge Vagn Joensen pursuant to Rule 57 of the Rules of Procedure and Evidence (the “Rules”);

BEING SEIZED of the Prosecutor’s Ex-Parte and Confidential Request for a Warrant of Arrest and an Order for Transfer of **FÉLICIEN KABUGA** (the “Accused”) filed on 25 February 2013;

CONSIDERING the Indictments against **FÉLICIEN KABUGA** confirmed on 26 November 1997 by Judge Lennart Aspegren, on 29 August 1998 by Judge Navanethem Pillay, on 12 October 2005 by Judge Dennis Byron and on 13 April 2011 by Judge Dennis Byron of the International Criminal Tribunal for Rwanda (“ICTR”);

CONSIDERING the Warrant of Arrest and Order for Transfer and Detention of **FÉLICIEN KABUGA** dated 8 November 2001, which is currently in force;

CONSIDERING United Nations Security Council Resolution 1966 (2010) regarding the cooperation of States with the MICT;

CONSIDERING Article 28 of the MICT Statute and Rule 57 of the Rules;

NOTING the need to vacate the Warrant of Arrest and Order for Transfer and Detention dated 8 November 2001 requesting transfer of **FÉLICIEN KABUGA** to the ICTR, and the need to replace it with a request for his transfer to the Arusha Branch of the MICT;

HEREBY RESPECTFULLY REQUESTS ALL Member States of the United Nations to:

- I. SEARCH FOR, ARREST AND TRANSFER** to the custody of the Arusha Branch of the MICT **FÉLICIEN KABUGA**, a Rwandan citizen born in 1935 in Muniga *secteur*, Mukarange *commune*, Byumba *prefecture*, Rwanda, who is accused of having committed during 1994 in Rwanda the following crimes: genocide, complicity in genocide (in the alternative to genocide), direct and public incitement to commit genocide, attempt to commit genocide, conspiracy to commit genocide and crimes against humanity (persecution and extermination);

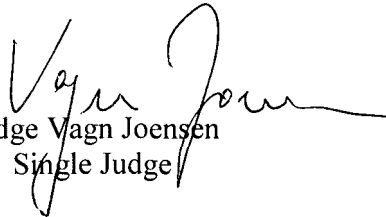


- II. **SERVE** on the Accused at the time of his arrest or as soon as practicable immediately following arrest, in a language he understands, a certified copy of this warrant of arrest, accompanied by a copy of the indictment certified in accordance with Rule 48 (G) and a statement of the rights of the accused set forth in Article 19 of the Statute and in Rules 40 and 41;
- III. **INFORM** the Accused at the time of his arrest or as soon as practicable immediately following arrest, in a language he understands, that he is being transferred to the Arusha Branch of the MICT;
- IV. **SEEK AN ACKNOWLEDGMENT** of receipt from **FÉLICIEN KABUGA** 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 Prosecutor of the MICT;
- V. **SEARCH AND SEIZE** all physical evidence related to the crimes alleged against **FÉLICIEN KABUGA**;
- VI. **CREATE** an itemized inventory of all seized materials, including documents, books, papers or any other objects, that is properly witnessed and is acknowledged by the Accused;
- VII. **TRANSFER** all seized evidence and the inventory to the Prosecutor of the MICT;
- VIII. **NOTIFY** the Registrar of the MICT and the Prosecutor of the MICT of the arrest of the Accused for the purposes of arranging his transfer to the custody of the Arusha Branch of the MICT without delay;
- IX. **REPORT** forthwith to the Registrar of the MICT and the Prosecutor of the MICT if unable to execute this Warrant or Order for Transfer, indicating the reasons for the inability to do so; and
- X. **MAKE INQUIRIES** to discover whether the Accused has assets located within the territory of the Member State and if so, to adopt provisional measures to freeze such assets, without prejudice to the rights of third parties;

ORDERS that, upon his transfer, Accused **FÉLICIEN KABUGA** be remanded in custody in the United Nations Detention Facility at the Arusha Branch of the MICT; and

VACATES the Warrant of Arrest and Order for the Transfer and Detention of **FÉLICIEN KABUGA** dated 8 November 2001.

Arusha, 29 April 2013, done in English


Judge Vagn Joensen
Single Judge

[Seal of the Mechanism]





**TRANSMISSION SHEET / FICHE DE TRANSMISSION
FOR FILING OF DOCUMENTS WITH THE ARUSHA BRANCH OF
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
POUR LE DEPOT DE DOCUMENTS A LA DIVISION D'ARUSHA DU
MECHANISME POUR LES TRIBUNAUX PENNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GENERALES

To/ A:	MICT Registry/ Greffe du MTPI			
From/ De:	<input checked="" type="checkbox"/> Chambers/ Chambre Duty Judge	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input type="checkbox"/> Other/ Autre :
Case Name/ Affaire:	The Prosecutor v. Félicien Kabuga		Case Number/ Affaire No:	MICT-13-38
Date Created/ Daté du:	29 April 2013		Date transmitted/ Transmis le:	29 April 2013
No. of Pages/ No de pages:	4 (including cover page)	Original Language / Langue de l'original:	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda
Title of Document/ Titre du document:	Warrant of Arrest and Order for Transfer			
Classification Level/ Catégories de classement:	<input checked="" type="checkbox"/> Unclassified/ Non classé	<input type="checkbox"/> Strictly Confidential/ Strictement confidentiel	<input type="checkbox"/> Ex Parte (specify/ préciser):	
	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte	<input type="checkbox"/> Other Ex Parte/ Ex Parte Autre (specify/ préciser):	
	<input type="checkbox"/> Ex Parte	<input type="checkbox"/> Ex Parte	<input type="checkbox"/> Other Ex Parte/ Ex Parte Autre (specify/ préciser):	
	Defence excluded/ Défense exclu	Prosecution excluded/ Bureau du Procureur exclu		
Document type/ Type de document:	<input type="checkbox"/> Indictment/ Acte d'accusation	<input type="checkbox"/> Order/ Ordre	<input type="checkbox"/> Appeal Book/ Livre d'appel	<input type="checkbox"/> Notice of Appeal/ Acte d'appel
	<input checked="" type="checkbox"/> Warrant/ Mandat	<input type="checkbox"/> Affidavit/ Déclaration sous serment	<input type="checkbox"/> Submission from non-parties/ Ecritures déposés par des tiers	
	<input type="checkbox"/> Motion/ Requête	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Submission from parties/ Ecritures déposés par des parties	
	<input type="checkbox"/> Decision/ Décision	<input type="checkbox"/> Judgement/ Jugement	<input type="checkbox"/> Book of Authorities/ Livre de sources juridiques	

II - TRANSLATION STATUS ON THE FILING DATE/ ETAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ La traduction n'est pas requise			
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ La Partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction (Word version of the document is attached/ La version en Word se trouve en annexe)			
<input type="checkbox"/> English/ Anglais	<input checked="" type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La Partie déposante soumet ci-joint l'original et la version traduite pour dépôt, comme suit :			
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Translation/ Traduction en	<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La Partie déposante soumettra la (les) version(s) traduite(e) sous peu, dans la (les) langue(s) suivante(s):			
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