

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA.**

Case No. ICTR-97-40

Before: Judge Navanethem Pillay (President)  
Judge Laïty Kama  
Judge Lennart Aspegren

Registrar : Mr Agwu Okali

Date Filed : 31 March 1999

THE PROSECUTOR

V

BERNARD NTUYAHAGA  
Case no. ICTR-97-40

PROSECUTOR'S URGENT REQUEST TO RESCIND AND DECLARE NULL AND VOID  
DOCUMENT SEEKING TO GRANT SAFE CONDUCT ISSUED BY THE REGISTRAR

The Office of the Prosecutor:

Mrs. Louise Arbour, Prosecutor  
Mr. Mohamed C. Othman, Acting Chief of Prosecution  
Mr. Mathias Marcussen, Legal Adviser

Counsel for the Accused:

Mr. Georges Komlavi Amegadjie, Lead Counsel

May it please the Honorable Trial Chamber;

Further to the Trial Chamber I's 'Decision on the Prosecutor's Motion to Withdraw the Indictment', in the case of the Prosecutor v. Bernard Ntuyahaga, ICTR-98-40-T, of 18 March 1999, and the orders and instructions contained therein to execute the decision,

The Prosecutor is in receipt of a copy of a document issued by the Registrar to Bernard Ntuyahaga entitled 'Safe Conduct' dated 29 March 1999 in which the Registrar

REQUEST Member States of the United Nation, other States, International Organizations and all other persons to whom it may concern, to accord safe conduct to said Bernard Ntuyahaga and extent to him any necessary cooperation to enable him [to] move freely in or transit through, without let or hindrance, any country to his final destination, in accordance with the relevant provisions of international law.

The Prosecutor submits that there is no legal basis in the Statute or Rules of Procedure and Evidence of the Tribunal authorising the Registrar to issue such a document or to grant such a safe conduct in the present case,

That there is no basis in the Statute, the Rules or international Law requiring Member States of the United Nations, other States or International Organisations to afford Bernard Ntuyahaga safe conduct as requested by the Registrar (see also Decision on the Motion for Release by the Accused Slavko Dokmanovic, IT-95-13a-PT, 22 Oct. 1997),

For these Reasons;

The Prosecutor hereby moves the Trial Chamber to rescind and to declare null and void the 'Safe Conduct' document issued by the Registrar to Bernard Ntuyahaga.

Kigali. thirty-first day of March 1999