

UNITED  
NATIONS

MICT-13-30-ES  
19-12-2018  
(1104 - 1101)

1104  
JN



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-30-ES

Date: 19 December 2018

Original: English

**THE PRESIDENT OF THE MECHANISM**

**Before:** Judge Theodor Meron, President

**Registrar:** Mr. Olufemi Elias

**Order of:** 19 December 2018

**DECLASSIFIED IN  
ACCORDANCE WITH  
INSTRUCTIONS CONTAINED  
WITHIN THIS ORDER.**

**PROSECUTOR**

**v.**

**JEAN-PAUL AKAYESU**

***CONFIDENTIAL***

**CONFIDENTIAL**

**ORDER DESIGNATING STATE IN WHICH JEAN-PAUL  
AKAYESU IS TO SERVE THE REMAINDER OF HIS SENTENCE**

**The Office of the Prosecutor**  
Mr. Serge Brammertz

**Mr. Jean-Paul Akayesu**  
Mr. John Philpot

**Received by the Registry  
International Residual Mechanism for Criminal Tribunals  
19/12/2018 16:05**

*Thwai popo*

**NOTING** the Judgement rendered by the Appeals Chamber of the International Criminal Tribunal for Rwanda ("ICTR") on 1 June 2001, in the case of *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-A ("Appeal Judgement"), in which Mr. Jean-Paul Akayesu was sentenced to life imprisonment,<sup>1</sup> and thereafter transferred to the Republic of Mali to serve the remainder of his sentence on 9 December 2001;<sup>2</sup>

**CONSIDERING** the confidential memorandum conveyed to me by the Registrar of the Mechanism ("Registrar") on 12 December 2018 ("Memorandum"), in accordance with the terms of the Practice Direction on the Procedure for Designation of the State in Which a Convicted Person is to Serve His or Her Sentence of Imprisonment;<sup>3</sup>

**CONSIDERING** that in the Memorandum the Registrar indicated the willingness and readiness of the Republic of Benin to enforce the remainder of the sentence imposed upon Mr. Jean-Paul Akayesu;<sup>4</sup>

**CONSIDERING** the Agreement Between the United Nations and the Government of the Republic of Benin on the Enforcement of Sentences Pronounced by the International Criminal Tribunal for Rwanda or the International Residual Mechanism for Criminal Tribunals, entered into force on 12 May 2017, and the Agreement Between the United Nations and the Government of the Republic of Mali on the Enforcement of Sentences Pronounced by the International Criminal Tribunal for Rwanda or the International Residual Mechanism for Criminal Tribunals, which entered into force on 13 May 2016 ("Enforcement Agreement with the Republic of Mali");<sup>5</sup>

**RECALLING** that Articles 9(1)(c) and 9(2) of the Enforcement Agreement with the Republic of Mali provide that the enforcement of a convicted person's sentence shall cease following a decision of the Mechanism, and that the Mechanism may at any time decide to request termination of the

<sup>1</sup> Appeal Judgement, p. 143.

<sup>2</sup> *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Order Designating the State in Which Jean-Paul Akayesu is to Serve his Prison Sentence, 23 November 2001; Press Release, Former Prime Minister and five other convicts sent to prison in Mali, dated 11 December 2001, available at <http://unictr.irmct.org/en/news/former-prime-minister-and-five-other-convicts-sent-prison-mali>.

<sup>3</sup> MICT/2/Rev. 1, 24 April 2014 ("Practice Direction"). I note that the Registrar also conveyed to me a confidential memorandum on 26 November 2018 ("November Memorandum") in this regard.

<sup>4</sup> See Memorandum, paras. 3, 36. I note that the Registrar indicated that the relevant Malian authorities have no objections to the transfer of Mr. Jean-Paul Akayesu from Mali to Benin. See November Memorandum, para. 3.

<sup>5</sup> As amended on 30 June 2016.

enforcement of the sentence in the Republic of Mali and transfer the convicted person to another State or the Mechanism;

**CONSIDERING** that Mr. Jean-Paul Akayesu is currently serving his sentence in the Republic of Mali and is therefore in the custody of the relevant Malian authorities;

**HAVING CONSIDERED** the relevant factors enumerated in the Practice Direction including, *inter alia*, the general conditions of imprisonment and the rules governing security and liberty in the Republic of Benin, and relevant information that the Registrar considered may be of assistance to me in this regard;

**PURSUANT TO** Article 25 of the Statute of the Mechanism, Rule 127 of the Rules of Procedure and Evidence of the Mechanism, and paragraphs 5 and 7 of the Practice Direction;

**HEREBY DECIDE** that Mr. Jean-Paul Akayesu shall serve the remainder of his sentence in the Republic of Benin;

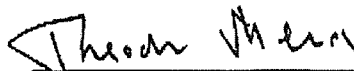
**INVITE** the Registrar to officially request the Government of the Republic of Benin to enforce the sentence of Mr. Jean-Paul Akayesu and, should the Government of the Republic of Benin accede to this request, inform the relevant authorities in the Republic of Mali and Mr. Jean-Paul Akayesu thereof, and take all necessary measures to facilitate the transfer of Mr. Jean-Paul Akayesu from the Republic of Mali to the Republic of Benin, including by liaising with the relevant authorities of the Republic of Mali for that purpose;

**ORDER**, pursuant to Article 9 of the Enforcement Agreement with the Republic of Mali, that Mr. Jean-Paul Akayesu shall remain in the custody of the relevant authorities in the Republic of Mali while awaiting his transfer to the Republic of Benin, which will be effectuated by the Mechanism as soon as practicable following the issuance of the present Order;

**INSTRUCT** the Registrar to lift the confidential status of the present Order once Mr. Jean-Paul Akayesu's transfer to the Republic of Benin has been completed and **ORDER** that the present Order shall thereupon and henceforth be considered a public filing.

Done in English and French, the English version being authoritative.

Done this 19th day of December 2018  
At The Hague,  
The Netherlands.

  
Judge Theodor Meron  
President

**[Seal of the Mechanism]**





IRMCT • MIFRTP

TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

## I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

<b>To/ À :</b>	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
<b>From/ De :</b>	<input checked="" type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
<b>Case Name/ Affaire :</b>	Prosecutor v. Jean-Paul Akayesu		<b>Case Number/ Affaire n° :</b> MICT-13-30-ES
<b>Date Created/ Daté du :</b>	19 December 2018	<b>Date transmitted/ Transmis le :</b>	19 December 2018
		<b>No. of Pages/ Nombre de pages :</b>	4
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S
	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :		
<b>Title of Document/ Titre du document :</b>	Order Designating State in which Jean-Paul Akayesu is to serve the remainder of his sentence		
<b>Classification Level/ Catégories de classification :</b>	<input type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input checked="" type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
<b>Document type/ Type de document :</b>			
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input checked="" type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

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

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>			
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>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 Word est jointe)</i>			
<input type="checkbox"/> English/ <i>Anglais</i>	<input checked="" type="checkbox"/> French/ <i>Français</i>	<input checked="" type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S
<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :			
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>			
<b>Original/ Original en</b>	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S
	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :		
<b>Translation/ Traduction en</b>	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S
	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :		
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>			
<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S
<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :			

Send completed transmission sheet to/ *Veuillez soumettre cette fiche dûment remplie à :*

[JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org) OR/ *OU* [JudicialFilingsHague@un.org](mailto:JudicialFilingsHague@un.org)

Rev: July 2018/ *Rév. : juillet 2018*