

UNITED
NATIONS

MICT-13-36-ES.2
19-12-2018
(766 - 763)

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International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-36-ES.2

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.

LAURENT SEMANZA

CONFIDENTIAL

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH LAURENT SEMANZA
IS TO SERVE THE REMAINDER OF HIS SENTENCE**

The Office of the Prosecutor
Mr. Serge Brammertz

Mr. Laurent Semanza
Mr. Peter Robinson

Received by the Registry
International Residual Mechanism for Criminal Tribunals
19/12/2018 16:26

Thwairipo

I, THEODOR MERON, President of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

NOTING the Judgement rendered by the Appeals Chamber of the International Criminal Tribunal for Rwanda (“ICTR”) on 20 May 2005, in the case of *Laurent Semanza v. The Prosecutor*, Case No. ICTR-97-20-A (“Appeal Judgement”), in which Mr. Laurent Semanza was sentenced to thirty-four years and six months of imprisonment, subject to credit being given under Rule 101(D) of the Rules of Procedure and Evidence of the ICTR for the period already spent in detention,¹ and thereafter transferred to the Republic of Mali to serve the remainder of his sentence on 8 December 2008;²

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;³

CONSIDERING that in the Memorandum the Registrar indicated the willingness and readiness of the Republic of Benin to enforce the sentence imposed upon Mr. Laurent Semanza;⁴

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”);⁵

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

¹ Appeal Judgement, p. 130.

² See *Prosecutor v. Laurent Semanza*, Case No. MICT-13-36-ES, Decision of the President on the Early Release of Laurent Semanza, 9 June 2016 (public redacted version), para. 3; *The Prosecutor v. Laurent Semanza*, Case No. ICTR-97-20, Decision on the Enforcement of Sentence, 3 November 2008, p. 3.

³ 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.

⁴ See Memorandum, paras. 3, 36. I note that the Registrar indicated the relevant Malian authorities have no objections to the transfer of Mr. Laurent Semanza from Mali to Benin. See November Memorandum, para. 3.

⁵ 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. Laurent Semanza 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. Laurent Semanza shall serve the remainder of his sentence in the Republic of Benin;

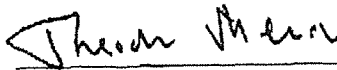
INVITE the Registrar to officially request the Government of the Republic of Benin to enforce the sentence of Mr. Laurent Semanza and, should the Government of the Republic of Benin accede to this request, inform the relevant authorities in the Republic of Mali and Mr. Laurent Semanza thereof, and take all necessary measures to facilitate the transfer of Mr. Laurent Semanza 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. Laurent Semanza 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;

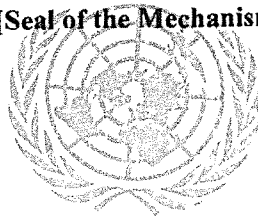
INSTRUCT the Registrar to lift the confidential status of the present Order once Mr. Laurent Semanza's transfer to the Republic of Benin has been completed and **ORDER** that the present Order shall thereupon and henceforth be considered a public filing.

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]





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Case Name/ Affaire :	Prosecutor v. Laurent Semanza		Case Number/ Affaire n° :	MICT-13-36-ES.2
Date Created/ Daté du :	19 December 2018	Date transmitted/ Transmis le :	19 December 2018	No. of Pages/ Nombre de pages : 4
Original Language / Langue de l'original :	<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) :
Title of Document/ Titre du document :	Order Designating State in which Laurent Semanza is to serve the remainder of his sentence			
Classification Level/ Catégories de classification :	<input type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>		
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<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>		

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Rev: July 2018/ *Rév. : juillet 2018*