

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No. MICT-13-59-ES

Date: 21 September 2017

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

Order of: 21 September 2017

PROSECUTOR

v.

GRÉGOIRE NDAHIMANA

CONFIDENTIAL

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

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH GRÉGOIRE
NDAHIMANA IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor

Mr. Serge Brammertz

Mr. Grégoire Ndahimana

Received by the Registry
Mechanism for International Criminal Tribunals
21/09/2017 17:13

Thwairapo

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 16 December 2013, in the case of *Grégoire Ndahimana v. The Prosecutor*, Case No. ICTR-01-68-A (“Appeal Judgement”), in which Mr. Grégoire Ndahimana was sentenced to twenty-five (25) years of imprisonment, subject to credit being given under Rule 101(C) and 107 of the Rules of Procedure and Evidence of the ICTR for the period already spent in detention since his arrest on 11 August 2009;¹

CONSIDERING the confidential memoranda conveyed to me by the Registry of the Mechanism (“Registry”) on 31 July 2017 and 12 September 2017 (“Memoranda”), 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;²

CONSIDERING that in the Memoranda the Registrar indicated the willingness and readiness of the Republic of Benin to enforce the sentence imposed upon Mr. Grégoire Ndahimana;³

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;

HAVING CONSIDERED the relevant factors enumerated in the Practice Direction, including, *inter alia*, the views of the convicted person;

PURSUANT TO Article 25 of the Statute of the Mechanism, Rule 127 of the Rules of Procedure and Evidence of the Mechanism (“Rules”), and paragraphs 5 through 7 of the Practice Direction;

HEREBY DECIDE that Mr. Grégoire Ndahimana shall serve his sentence in the Republic of Benin;

INVITE the Registrar of the Mechanism (“Registrar”) to officially request the Government of the Republic of Benin to enforce the sentence of Mr. Grégoire Ndahimana and, should the

¹ Appeal Judgement, p. 88.

² MICT/2 Rev.1, 24 April 2014 (“Practice Direction”).

³ Memorandum, para. 3. *See also* Memorandum, para. 33.

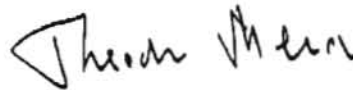
Government of the Republic of Benin accede to this request, so inform and take all necessary measures to facilitate Mr. Grégoire Ndahimana's transfer to the Republic of Benin;

ORDER, pursuant to Rule 127(C) of the Rules, that Mr. Grégoire Ndahimana shall remain in the custody of the Mechanism while awaiting his transfer to the Republic of Benin; and

INSTRUCT the Registrar to lift the confidential status of the present order once Mr. Grégoire Ndahimana'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 21st day of September 2017,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]





**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ <i>Greffe du MPTI</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input checked="" type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i> <input type="checkbox"/> Other/ <i>Autre :</i>
Case Name/ Affaire :	Prosecutor v. Gregoire Ndahimana		Case Number/ Affaire n° : MICT-13-59-ES
Date Created/ Daté du :	21 September 2017	Date transmitted/ Transmis le :	21 September 2017
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 Gregoire Ndahimana is to serve his sentence		
Classification Level/ Catégories de classification :	<input type="checkbox"/> Unclassified/ <i>Non classifié</i> <input checked="" type="checkbox"/> Confidential/ <i>Confidentiel</i> <input type="checkbox"/> Strictly Confidential/ <i>Strictelement confidentiel</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i> <input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</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) :	
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Rev: April 2014/Rév. : Avril 2014