



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-15-90-ES.3

Date: 19 June 2018

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

Order of: 19 June 2018

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

PROSECUTOR

v.

PAULINE NYIRAMASUHUKO

CONFIDENTIAL



**ORDER DESIGNATING STATE IN WHICH PAULINE
NYIRAMASUHUKO IS TO SERVE HER SENTENCE**

The Office of the Prosecutor
Mr. Serge Brammertz

Ms. Pauline Nyiramasuhuko

**Received by the Registry
International Residual Mechanism for Criminal Tribunals
19/06/2018 16:18**

A handwritten signature in dark ink.

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 14 December 2015, in the case of *The Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-A (“Appeal Judgement”), in which Ms. Pauline Nyiramasuhuko was sentenced to forty-seven (47) years of imprisonment, subject to credit being given under Rules 101(C) and 107 of the ICTR Rules of Procedure and Evidence for the period already spent in detention since her arrest on 18 July 1997;¹

CONSIDERING the confidential memorandum conveyed to me by the Registrar of the Mechanism (“Registrar”) on 18 May 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;²

CONSIDERING that in the Memorandum the Registrar indicated the willingness and readiness of the Republic of Senegal to enforce the sentence imposed upon Ms. Pauline Nyiramasuhuko;³

CONSIDERING the Agreement between the Government of the Republic of Senegal and the United Nations on the Enforcement of Sentences Pronounced by the International Criminal Tribunal for Rwanda, entered into force on 22 November 2010 (“Enforcement Agreement”), concerning the enforcement of sentences imposed by the ICTR, which continues in force, *mutatis mutandis*, in relation to the Mechanism;⁴

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 and 7 of the Practice Direction;

¹ Appeal Judgement, para. 37, p. 1209.

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

³ See Memorandum, paras. 3-4, 22.

⁴ See Security Council Resolution 1966 (2010) which provides that all existing agreements still in force as of the commencement date of the Mechanism shall apply *mutatis mutandis* to the Mechanism. Accordingly, the Enforcement Agreement applies to the Mechanism. See U.N. Security Council Resolution 1966, U.N. Doc. S/RES/1966 (2010), 22 December 2010, para. 4 (“[T]he Mechanism shall continue the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR, respectively, subject to the provisions of this resolution and the Statute of the Mechanism, and all contracts and international agreements concluded by the United Nations in relation to the ICTY and the ICTR, and still in force as of the relevant commencement date, shall continue in force *mutatis mutandis* in relation to the Mechanism [.]”). According to Article 25(2) of the Statute, “[t]he Mechanism shall have the power to supervise the enforcement of sentences pronounced by the ICTY, the ICTR or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States”.

HEREBY DECIDE that Ms. Pauline Nyiramasuhuko shall serve her sentence in the Republic of Senegal;

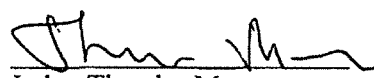
INVITE the Registrar to officially request the Government of the Republic of Senegal to enforce the sentence of Ms. Pauline Nyiramasuhuko and, should the Government of the Republic of Senegal accede to this request, so inform and take all necessary measures to facilitate Ms. Pauline Nyiramasuhuko's transfer to the Republic of Senegal;

ORDER, pursuant to Rule 127(C) of the Rules, that Ms. Pauline Nyiramasuhuko shall remain in the custody of the Mechanism while awaiting her transfer to the Republic of Senegal; and

INSTRUCT the Registrar to lift the confidential status of the present Order once Ms. Pauline Nyiramasuhuko's transfer to the Republic of Senegal 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 June 2018
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/ Greffe du MTPI		☒ Arusha/ Arusha	☐ The Hague/ La Haye
From/ De :	☒ Chambers/ Chambre	☐ Defence/ Défense	☐ Prosecution/ Bureau du Procureur	☐ Other/ Autre :
Case Name/ Affaire :	Prosecutor v. Pauline Nyiramasuhuko		Case Number/ Affaire n° :	MICT-15-90-ES.3
Date Created/ Daté du :	19 June 2018	Date transmitted/ Transmis le :	19 June 2018	No. of Pages/ Nombre de pages : 3
Original Language / Langue de l'original :	☒ English/ Anglais	☐ French/ Français	☐ Kinyarwanda	☐ B/C/S ☐ Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	Order Designating State in which Pauline Nyiramasuhuko is to serve her sentence			
Classification Level/ Catégories de classification :	☐ Unclassified/ Non classifié ☒ Confidential/ Confidentiel ☐ Strictly Confidential/ Strictement confidentiel ☐ Ex Parte Defence excluded/ Défense exclue ☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu ☐ Ex Parte R86(H) applicant excluded/ Art. 86 H) requérant exclu ☐ Ex Parte Amicus Curiae excluded/ Amicus curiae exclu ☐ Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/préciser) :			
Document type/ Type de document :	☐ Motion/ Requête ☐ Decision/ Décision ☒ Order/ Ordonnance ☐ Judgement/ Jugement/Arrêt ☐ Submission from parties/ Écritures déposées par des parties ☐ Submission from non-parties/ Écritures déposées par des tiers ☐ Book of Authorities/ Recueil de sources ☐ Affidavit/ Déclaration sous serment ☐ Indictment/ Acte d'accusation ☐ Warrant/ Mandat ☐ Notice of Appeal/ Acte d'appel			

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

☐ Translation not required/ La traduction n'est pas requise				
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☐ Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :				
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Rev: April 2014/Rév. : Avril 2014