



Mechanism for International Criminal Tribunals

Case No. MICT-16-97-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

CONFIDENTIAL

PROSECUTOR

v.

AUGUSTIN BIZIMUNGU

CONFIDENTIAL

DECLASSIFIED IN
ACCORDANCE WITH
INSTRUCTIONS CONTAINED
WITHIN THIS ORDER.

**ORDER DESIGNATING STATE IN WHICH
AUGUSTIN BIZIMUNGU IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor

Mr. Serge Brammertz

Mr. Augustin Bizimungu

Received by the Registry
Mechanism for International Criminal Tribunals
22/09/2017 13:59

Mwaipopo

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 30 June 2014, in the case of *Augustin Bizimungu v. The Prosecutor*, Case No. ICTR-00-56B-A (“Appeal Judgement”), in which Mr. Augustin Bizimungu was sentenced to thirty (30) 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 2 August 2002;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. Augustin Bizimungu;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. Augustin Bizimungu 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. Augustin Bizimungu and, should the

¹ Appeal Judgement, p. 142.

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

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

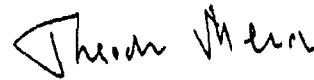
Government of the Republic of Benin accede to this request, so inform and take all necessary measures to facilitate Mr. Augustin Bizimungu's transfer to the Republic of Benin;

ORDER, pursuant to Rule 127(C) of the Rules, that Mr. Augustin Bizimungu 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. Augustin Bizimungu'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/ Greffe du MPTI	☒ Arusha/ Arusha	☐ The Hague/ La Haye
From/ De :	☒ Chambers/ Chambre	☐ Defence/ Défense	☐ Prosecution/ Bureau du Procureur
Case Name/ Affaire :	Prosecutor v. Augustin Bizimungu		Case Number/ Affaire n° : MICT-16-97-ES
Date Created/ Daté du :	21 September 2017	Date transmitted/ Transmis le :	21 September 2017
		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 Augustin Bizimungu is to serve his sentence		
Classification Level/ Catégories de classification :	☐ Unclassified/ Non classifié ☐ Ex Parte Defence excluded/ Défense exclue ☒ Confidential/ Confidentiel ☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu ☐ Strictly Confidential/ Strictement confidentiel ☐ 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 ☐ Submission from parties/ Écritures déposées par des parties ☐ Indictment/ Acte d'accusation ☐ Decision/ Décision ☐ Submission from non-parties/ Écritures déposées par des tiers ☐ Warrant/ Mandat ☒ Order/ Ordonnance ☐ Book of Authorities/ Recueil de sources ☐ Notice of Appeal/ Acte d'appel ☐ Judgement/ Jugement/Arrêt ☐ Affidavit/ Déclaration sous serment		

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

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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