



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR: ENG

OFFICE OF THE PRESIDENT

Before Judge: Dennis C. M. Byron
President of the Tribunal

Registrar: Adama Dieng

Date: 18 May 2009

THE PROSECUTOR

v.

François KARERA

Case No. ICTR-01-74

DECISION ON THE ENFORCEMENT OF SENTENCE

Article 26 of the Statute & Rule 103(A) of the Rules of Procedure and Evidence

PURSUANT to Article 26 of the Statute of the Tribunal (“the Statute”) and Rule 103 of the Rules on Procedure and Evidence (“the Rules”) as well as paragraphs 4 and 5 of the Practice Direction on the Procedure for Designation of the State in Which a Convicted Person is to Serve His/Her Sentence of Imprisonment, as revised and amended on 23 September 2008 (“the Practice Direction”);

NOTING that on 7 December 2007, Trial Chamber I of the Tribunal found François Karera, a Rwandan national born in 1938, guilty of genocide and extermination and murder as crimes against humanity, and sentenced him to imprisonment for the remainder of his life;

NOTING that on appeal, the Appeals Chamber, while granting the appeal on several grounds, affirmed the sentence on 2 February 2009;

NOTING that since that time, François Karera has remained in the United Nations Detention Facility in Arusha (Tanzania), pending a determination on where his sentences will be enforced;

CONSIDERING the confidential Memorandum which the Registrar submitted to the President on 12 May 2009 pursuant to paragraph 3 of the Practice Direction;

CONSIDERING the Agreement between the Government of the Republic of Benin and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for Rwanda (“the Agreement”) signed on 26 August 1999;

NOTING that according to Article 3 (3) of the Agreement, conditions of imprisonment shall be compatible with the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the basic Principles for the Treatment of Prisoners;

NOTING that the Government of Benin was duly consulted by the Registrar about its willingness to enforce the sentence of François Karera and has expressed its agreement;

NOTING that information on the convict has been transmitted pursuant to paragraph 2 of the Practice Direction;

HAVING NOTIFIED the Government of Rwanda on 27 March 2009, pursuant to Rule 103 and paragraph 2 of the Practice Direction;

HAVING TAKEN INTO ACCOUNT the other factors mentioned in the Practice Direction;

HAVING CONSULTED with the Registrar and the Judges of the Sentencing Chamber;

FOR THOSE REASONS,

THE PRESIDENT

- I. DECIDES** that the sentence imposed on François Karera shall be enforced in the Republic of Benin;
- II. ORDERS** that François Karera remain in custody of the Tribunal while awaiting his transfer to the Republic of Benin;
- III. RECALLS** that the enforcement will be carried out in accordance with Benin law, subject to the supervision of the Tribunal;
- IV. INVITES** the Registrar to request officially the Government of the Republic of Benin to enforce the sentence of François Karera and, should the Government of the Republic of Benin grant the request, notify the President and take all the necessary measures to facilitate the transfer of François Karera to Benin.;
- V. ORDERS** that this Decision be treated confidential until the transfer procedure has been completed.

Arusha, 18 May 2009, done in English.

Dennis C. M. Byron
President

[Seal of the Tribunal]