



UNITED NATIONS  
NATIONS UNIES

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

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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.

**Emmanuel NDINDABAHIZI**

*Case No. ICTR-2001-71*

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**DECISION ON THE ENFORCEMENT OF SENTENCE**

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

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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 15 July 2004, Trial Chamber I of the Tribunal found Emmanuel Ndindabahizi, a Rwandan national born in 1950, guilty of genocide and murder and extermination as crimes against humanity and sentenced him to life imprisonment;

NOTING that on appeal, Emmanuel Ndindabahizi’s conviction for murder as a crime against humanity was vacated, but that the Appeals Chamber affirmed the sentence to life imprisonment on 16 January 2007;

NOTING that since that time, Emmanuel Ndindabahizi 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 1 December 2008 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 on 30 October 2008 about its willingness to enforce the sentence of Emmanuel Ndindabahizi and has given its agreement on 4 May 2009;

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

HAVING NOTIFIED the Government of Rwanda on 27 October 2008, 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 Emmanuel Ndindabahizi shall be enforced in the Republic of Benin;
- II. ORDERS** that Emmanuel Ndindabahizi 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 Emmanuel Ndindabahizi 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 Emmanuel Ndindabahizi 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]