



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.

Gerard NTAKIRUTIMANA

Case No. ICTR-96-10 and ICTR-96-17

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 21 February 2003, Trial Chamber I of the Tribunal found Gerard Ntakirutimana, a Rwandan national born in 1958, guilty of genocide and murder as a crime against humanity and sentenced him to twenty-five years’ imprisonment;

NOTING that on appeal, the Appeals Chamber on 13 December 2004 upheld the conviction and entered additional convictions for aiding and abetting genocide and aiding and abetting extermination as a crime against humanity, but maintained the sentence of twenty-five years’ imprisonment;

NOTING that since that time, Gerard Ntakirutimana 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 Gerard Ntakirutimana 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 Judges of the Sentencing Chamber;

FOR THOSE REASONS,

THE PRESIDENT

- I. DECIDES** that the sentence imposed on Gerard Ntakirutimana shall be enforced in the Republic of Benin;
- II. ORDERS** that Gerard Ntakirutimana 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 Gerard Ntakirutimana 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 Gerard Ntakirutimana 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]