

UNITED  
NATIONS



Mechanism for International Criminal Tribunals

Case No. MICT-16-100-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**

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

**PROSECUTOR**

v.

**ILDÉPHONSE NIZEYIMANA**

**CONFIDENTIAL**

**CONFIDENTIAL**

**ORDER DESIGNATING STATE IN WHICH  
ILDÉPHONSE NIZEYIMANA IS TO SERVE HIS  
SENTENCE**

**The Office of the Prosecutor**

Mr. Serge Brammertz

**Counsel for Mr. Ildéphonse Nizeyimana**

Mr. John Philpot

Received by the Registry  
Mechanism for International Criminal Tribunals  
21/09/2017 17:09

*Thwaipopo*

**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 29 September 2014, in the case of *Ildéphonse Nizeyimana v. The Prosecutor*, Case No. ICTR-00-55C-A (“Appeal Judgement”), in which Mr. Ildéphonse Nizeyimana was sentenced to thirty-five (35) 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 5 October 2009;<sup>1</sup>

**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;<sup>2</sup>

**CONSIDERING** that in the Memoranda the Registrar indicated the willingness and readiness of the Republic of Benin to enforce the sentence imposed upon Mr. Ildéphonse Nizeyimana;<sup>3</sup>

**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. Ildéphonse Nizeyimana 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. Ildéphonse Nizeyimana and, should the

<sup>1</sup> Appeal Judgement, p. 165.

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

<sup>3</sup> Memorandum, para. 3. *See also* Memorandum, para. 33.

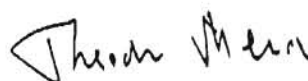
Government of the Republic of Benin accede to this request, so inform and take all necessary measures to facilitate Mr. Ildéphonse Nizeyimana's transfer to the Republic of Benin;

**ORDER**, pursuant to Rule 127(C) of the Rules, that Mr. Ildéphonse Nizeyimana 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. Ildéphonse Nizeyimana'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  
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**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

<b>To/ À :</b>	MICT Registry/ <i>Greffe du MTPI</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
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<b>Case Name/ Affaire :</b>	Prosecutor v. Ildephonse Nizeyimana		<b>Case Number/ Affaire n° :</b> MICT-16-100-ES
<b>Date Created/ Daté du :</b>	21 September 2017	<b>Date transmitted/ Transmis le :</b> 21 September 2017	<b>No. of Pages/ Nombre de pages :</b> 3
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<b>Title of Document/ Titre du document :</b>	Order designating State in which Ildephonse Nizeyimana is to serve his sentence		
<b>Classification Level/ Catégories de classification :</b>	<input type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
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Rev: April 2014/Rév. : Avril 2014