

MICT-13-42-ES
13-03-2014
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**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No. MICT-13-42-ES

Date: 13 March 2014

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Order of: 13 March 2014

CONFIDENTIAL

PROSECUTOR

v.

JEAN-BAPTISTE GATETE

CONFIDENTIAL

**ORDER DESIGNATING STATE IN WHICH
JEAN-BAPTISTE GATETE IS TO SERVE HIS SENTENCE**

The Office of the Prosecutor
Mr. Hassan Bubacar Jallow

Counsel for Jean-Baptiste Gatete
Ms. Marie-Pierre Poulain

Received by the Registry
Mechanism for International Criminal Tribunals

13/03/2014 17:32

A handwritten signature in black ink, appearing to be 'M. Poulain', written over the date and time stamp.

**DECLASSIFIED PURSUANT TO ORDER OF
THE PRESIDENT UPON GATETE'S
TRANSFER TO THE REPUBLIC OF BENIN.**

07 MAY 2014

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 9 October 2012, in the case of *Jean-Baptiste Gatete v. The Prosecutor*, Case No. ICTR-00-61-A ("Appeal Judgement"), in which Jean-Baptiste Gatete was sentenced to 40 years of imprisonment, subject to credit being given under Rules 101(C) and 107 of the Rules of Procedure and Evidence of the ICTR for the period already spent in detention;¹

CONSIDERING the confidential memorandum conveyed to me by the Registrar of the Mechanism ("Registrar") on 2 October 2013 ("Memorandum"), 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 ("Practice Direction");²

CONSIDERING the additional confidential information and views obtained through further consultations pursuant to the Practice Direction;³

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, entered into force on 26 August 1999, concerning the enforcement of sentences imposed by the ICTR, which continues in force, *mutatis mutandis*, in relation to the Mechanism;⁴

CONSIDERING that the Government of the Republic of Benin has indicated to the Registrar its willingness to enforce the sentence imposed upon Jean-Baptiste Gatete;⁵

HAVING CONSIDERED all the factors enumerated in the Practice Direction, including 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 Jean-Baptiste Gatete shall serve his sentence in the Republic of Benin;

¹ Appeal Judgement, p. 88.

² MICT/2, 5 July 2012.

³ See Practice Direction, para. 5.

⁴ See U.N. Security Council Resolution 1966, U.N. Doc. S/RES/1966 (2010), 22 December 2010, para. 4 ("[T]he Mechanism shall continue the jurisdiction, rights and obligations and essential functions of the ICTY and the ICTR, respectively, subject to the provisions of this resolution and the Statute of the Mechanism, and all contracts and international agreements concluded by the United Nations in relation to the ICTY and the ICTR, and still in force as of the relevant commencement date, shall continue in force *mutatis mutandis* in relation to the Mechanism[.]").

⁵ Memorandum, para. 14. See also Memorandum, para. 45.

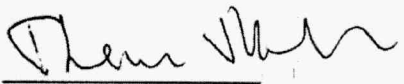
INVITE the Registrar to officially request the Government of the Republic of Benin to enforce the sentence of Jean-Baptiste Gatete and, should the Government of the Republic of Benin accede to this request, so inform and take all necessary measures to facilitate Jean-Baptiste Gatete's transfer to the Republic of Benin;

ORDER, pursuant to Rule 127(C) of the Rules, that Jean-Baptiste Gatete 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 Jean-Baptiste Gatete'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 13th day of March 2014,
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 À LA
MECHANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ A:	MICT Registry/ Greffe du MTPI		<input checked="" type="checkbox"/> Arusha/ Arusha	<input type="checkbox"/> The Hague/ la Haye
From/ De:	<input checked="" type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input type="checkbox"/> Other/ Autre :
Case Name/ Affaire:	Prosecutor v. Jean-Baptiste Gatete		Case Number/ Affaire No:	MICT-13-42-ES
Date Created/ Date du:	13 March 2014	Date transmitted/ Transmis le:	13 Mar. 2014	No. of Pages/ No de pages: 3
Original Language / Langue de l'original:	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser):
Title of Document/ Titre du document:	Order Designating State in which Jean-Baptiste Gatete is to Serve his Sentence			
Classification Level/ Catégories de classement:	<input type="checkbox"/> Unclassified/ Non classé <input checked="" type="checkbox"/> Confidential/ Confidentiel <input type="checkbox"/> Strictly Confidential/ Strictement confidentiel <input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue <input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu <input type="checkbox"/> Ex Parte R86(H) applicant excluded/ Art. 86 (H) requérant exclu <input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus Curiae exclu <input type="checkbox"/> Ex Parte other exclusion/ Ex Parte autre(s) partie(s) exclue(s) (specify / préciser):			
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Rev: Feb 2014