

UNITED
NATIONS



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-12-01-ES

Date: 26 June 2020

Original: English

THE PRESIDENT OF THE MECHANISM

Before: **Judge Carmel Agius, President**

Registrar: **Mr. Olufemi Elias**

Order of: **26 June 2020**

PUBLIC REDACTED VERSION

**SECOND ORDER FOR COVID-19 UPDATES
FROM ENFORCEMENT STATES**

Republic of Austria

Republic of Italy

Republic of Benin

Republic of Mali

Kingdom of Denmark

Kingdom of Norway

Republic of Estonia

Republic of Poland

Republic of Finland

Republic of Senegal

French Republic

Kingdom of Sweden

Federal Republic of Germany

**United Kingdom of Great Britain and
Northern Ireland**

I, CARMEL AGIUS, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

RECALLING Article 25 of the Statute of the Mechanism (“Statute”);¹

RECALLING that 50 persons convicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda or the Mechanism (“Convicted Persons”) are currently serving their sentences in 14 States with whom the United Nations has entered into sentence enforcement agreements (“Enforcement States”);²

RECALLING that, in light of the COVID-19 pandemic,³ on 19 March 2020 I directed the Registrar of the Mechanism (“Registrar”) to contact each of the Enforcement States to request information regarding any measures they are taking to prevent the introduction and spread of COVID-19 in prisons where the Convicted Persons are serving their sentences;⁴

RECALLING FURTHER that, in my Order of 24 April 2020, I directed the Registrar to continue liaising with the Enforcement States so as to receive, every 14 days until the end of June 2020, updated information on the situation in prisons where the Convicted Persons are serving their sentences;⁵

NOTING the updated information received from the Enforcement States following the Order of 24 April 2020;⁶

¹ Article 25 of the Statute provides that: 1. Imprisonment shall be served in a State designated by the Mechanism from a list of States with which the United Nations has agreements for this purpose. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the Mechanism; and 2. The Mechanism shall have the power to supervise the enforcement of sentences pronounced by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States, and other agreements with international and regional organisations and other appropriate organisations and bodies.

² Third Review Report of the International Residual Mechanism for Criminal Tribunals, U.N. Doc. S/2020/309, 15 April 2020, paras. 158-160. See also Order for COVID-19 Updates from Enforcement States, 24 April 2020 (public redacted version) (“Order of 24 April 2020”), p. 1, fn. 6.

³ See United Nations General Assembly Resolution 74/270 on Global Solidarity to Fight the Coronavirus Disease 2019 (COVID-19), U.N. Doc. A/RES/74/270, 2 April 2020, p. 1. See also World Health Organization Director-General's Opening Remarks at the Media Briefing on COVID-19, 11 March 2020.

⁴ Informal communication from the President to the Registrar, dated 19 March 2020 (confidential). See also Order of 24 April 2020, p. 1.

⁵ Order of 24 April 2020, pp. 2-3.

RECOGNISING the efforts made by the Enforcement States to ensure implementation of the Order of 24 April 2020 and strengthen cooperation with the Mechanism in the face of the COVID-19 pandemic;

CONSIDERING that the exceptional nature of the present situation requires that the Mechanism continue to receive timely information about any relevant changes in prisons where the Convicted Persons are serving their sentences;

FOR THE FOREGOING REASONS,

DIRECT the Registrar to continue liaising with the Enforcement States so as to receive, no later than every 14 days from the issuance of this Order until Monday, 31 August 2020, updated information on the situation in prisons where the Convicted Persons are serving their sentences, including the following:

- (i) changes to existing measures taken to prevent and contain the spread of COVID-19;
- (ii) the number of known or suspected COVID-19 cases;
- (iii) any other information deemed relevant by the Enforcement States; and

ORDER the Registrar to provide me with the above-mentioned information upon receipt.

Done this 26th day of June 2020,
At The Hague,
The Netherlands.



Judge Carmel Agius
President

[Seal of the Mechanism]

[REDACTED] (confidential); [REDACTED] (confidential); [REDACTED] (confidential); [REDACTED] (confidential); [REDACTED] (confidential).



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