



**PRACTICE DIRECTION
ON THE PROCEDURE FOR DESIGNATION OF THE STATE
IN WHICH A CONVICTED PERSON IS TO SERVE
HIS OR HER SENTENCE OF IMPRISONMENT**

(MICT/2/Rev.2)

INTRODUCTION

1. In accordance with Rule 23(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals (“Rules” and “Mechanism”, respectively); pursuant to Article 25 of the Statute of the Mechanism and Rule 127(A) of the Rules; considering the ICTR Practice Direction on the Procedure for Designation of the State in Which a Convicted Person is to Serve His/Her Sentence of Imprisonment, and the ICTY Practice Direction on the Procedure for the International Tribunal’s Designation of the State in Which a Convicted Person is to Serve His/Her Sentence of Imprisonment; and having consulted with the Registrar and the Prosecutor of the Mechanism, I hereby issue this revised Practice Direction in relation to the internal procedure for the designation of the State in which a convicted person is to serve his or her sentence of imprisonment.

COMMUNICATIONS WITH STATES

2. The President of the Mechanism, directly or through the Registrar of the Mechanism, shall engage in a communication process with any of the States that have declared their willingness to accept convicted persons and with which the United Nations has agreements for this purpose or with States which have indicated their willingness to accept convicted persons under any other arrangement. At the preliminary stage of the communication process, the Government(s) concerned shall be requested to give, before a certain date, an indication of their readiness, as a practical matter, to receive a convicted person, and where appropriate, state the availability of any necessary medical assistance.

3. Upon receiving positive response(s) from any of the concerned Governments to the preliminary inquiry, the President, directly or through the Registrar, shall give to any of these Governments relevant information concerning the particular person convicted who the Mechanism is considering transferring to the State(s) concerned for purposes of serving the sentence of imprisonment as imposed, namely:

- (a) A certified copy of the judgment;
- (b) A statement indicating the length of the sentence that has already been served, including information on pre-trial detention; and
- (c) Any other documents of relevance including certified copies of identification papers of the convicted person in the Mechanism’s possession and, when appropriate and taking

into account confidentiality requirements, any medical or psychological reports on the convicted person and any recommendation for his or her further treatment in the receiving State.

COLLECTION OF INFORMATION

4. Should the concerned State, following receipt of the information in paragraph 3, remain willing to enforce a sentence on behalf of the Mechanism, the President may collect, directly or through the Registrar, and consider information, such as:

- (a) The convicted person's marital status, his or her dependants and other family relations, their usual place(s) of residence and, when appropriate and practicable, the financial resources that may be available to visit the convicted person;
- (b) Whether the convicted person is expected to serve as a witness in further proceedings of the Mechanism;
- (c) Whether the convicted person is expected to be relocated as a witness and, in such case, which State(s) has or have entered into relocation agreement(s) with the Mechanism;
- (d) When appropriate, any medical or psychological reports on the convicted person;
- (e) The linguistic skills of the convicted person;
- (f) The general conditions of imprisonment and the rules governing security and liberty in the State concerned;
- (g) The national law of the State concerned in relation to early release, pardon and commutation of sentence, as well as any domestic legal restrictions with regard to enforcing the sentence;
- (h) Whether the State concerned has undertaken to facilitate the stay in that State of the convicted person if he or she has completed his or her sentence and who, for security reasons, cannot immediately return to the country where he or she enjoys the status of legal resident, while waiting to find a solution to the repatriation of the person; and
- (i) Any relevant views expressed by the convicted person.

THE PRESIDENT'S DESIGNATION

5. The President shall, on the basis of the submitted information and of any other inquiries he or she chooses to make, designate the State in which imprisonment shall be served. In his or her designation, the President shall take into account the desirability of serving sentences in States that are within close proximity or accessibility of the relatives of the convicted person. Before making the designation, the President may consult with any Judges of the Sentencing Chamber who are Judges of the Mechanism. The President may also request the view of the Prosecutor and may further consult with the Registrar.

6. The President shall file his or her decision on the judicial record. The President may decide that the designation of the State shall not be made public until the transfer of the convicted person to the State where he or she will serve the remainder of his or her sentence has been completed.

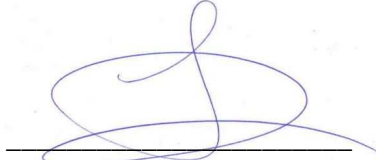
7. In accordance with the relevant provisions of the agreement on the enforcement of sentences between the United Nations and the State that has been designated, the President, directly or through the Registrar, shall formally request the Government of the State concerned to enforce the sentence of the convicted person.

PREPARATIONS FOR TRANSFER

8. If the concerned Government accepts the Mechanism's request to receive the convicted person, the President, directly or through the Registrar, shall inform the convicted person of the State designated for the enforcement of the sentence, the contents of the agreement on the enforcement of sentences between the Mechanism and the State concerned, and any other issues of relevance.

9. The President, directly or through the Registrar, may organise a pre-transfer meeting involving Mechanism representatives, representatives of the enforcement State, and the convicted person, to allow for practical matters regarding the transfer and life in prison in the enforcement State to be discussed.

Done this 7th day of May 2025,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]