



UNITED NATIONS  
NATIONS UNIES



**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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**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]**

## INTRODUCTION

1. In accordance with Rule 19 of the Rules of Procedure and Evidence; pursuant to Article 26 of the Statute and Rule 103(A) of the Rules of Procedure and Evidence; considering Article 2 paragraph 1 of the Model Agreement on the Enforcement of Sentences; and having consulted with the Bureau, the Registrar and the Prosecutor; this amended Practice Direction is hereby issued for the purpose of establishing an internal procedure for this Tribunal's designation of the State in which a convicted person shall serve his/her sentence of imprisonment.

## THE REGISTRAR'S COMMUNICATIONS TO STATES

2. (a) After the sentence of a convicted person has become final, the Registrar shall engage in a communication process with any of the States that have declared their willingness to accept convicted persons and have signed an agreement with the Tribunal to that effect pursuant to Article 26 of the Statute. At the preliminary stage of the communication process, the Registrar shall request the Government(s) concerned to give, before a certain date, an indication of their readiness, as a practical matter, to receive a person convicted by this Tribunal.

(b) Upon receiving positive response(s) from any of the concerned Government(s) to the preliminary inquiry, the Registrar shall give to any of the said Government(s) relevant information concerning the particular convict whom the Tribunal intends to transfer to the State(s) concerned for purposes of serving the sentence of imprisonment as imposed. At this stage of his communication, the Registrar shall provide to the Government(s) concerned the following documents:

- (i) a certified copy of the judgement;
- (ii) a statement indicating how much of the sentence has already been served, including information on pre-trial detention;
- (iii) when appropriate, any medical or psychological reports on the convicted person, any recommendation for his/her further treatment in the receiving State, and any other information relevant to the enforcement of the sentence; and
- (iv) certified copies of identification papers of the convicted person in the Tribunal's possession.

## THE REGISTRAR'S REPORT TO THE PRESIDENT

3. On the basis of the indication(s) of readiness and willingness, by the concerned Government(s), to accept the convicted person, the Registrar shall prepare a confidential memorandum for the President of the Tribunal. This memorandum shall enumerate the States in which the sentence of the convicted person may be carried out and shall contain information concerning:

- (i) the marital status, dependants and other family relations of the convicted person, as well as the usual place(s) of residence of such relations; and, when appropriate, the financial resources they have available to visit the convicted person;
- (ii) whether the convicted person is expected to serve as a witness in further proceedings of the Tribunal;
- (iii) 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 Tribunal;
- (iv) where available or desirable, any medical or psychological report(s) on the convicted person;
- (v) linguistic skills of the convicted person;
- (vi) if possible, general conditions of imprisonment and rules governing security and liberty in the State(s) concerned;
- (vii) any other consideration related to the case.

#### THE PRESIDENT'S DESIGNATION

4. The President of the Tribunal will on the basis of the submitted information and on any other inquiries he/she chooses to make, designate the State in which imprisonment shall be served. In his/her designation, the President will 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 the Sentencing Chamber or its Presiding Judge and/or the Registrar and shall notify the Government of Rwanda. The President may request the submissions of the convicted person concerned and/or the Office of the Prosecutor.

5. The President shall transmit the decision to the Registrar. The President may decide that the designation of the State shall not be made public.

#### REQUEST TO THE DESIGNATED STATE

6. The Registrar shall, in accordance with the relevant provisions of the agreement on the enforcement of sentences between the Tribunal and the State that has been designated by the President, request the Government of the State concerned to enforce the sentence of the convicted person. Both the Registrar and the President shall sign the request.

#### THE REGISTRAR'S NOTIFICATIONS

7. If the requested Government accepts the Tribunal's request to receive the convicted person, the Registrar shall notify the President and, whenever possible, the

Sentencing Chamber or its Presiding Judge. The Registrar shall further inform the convicted person of the State designated for the enforcement of the sentence, the contents of the agreement on the enforcement of the sentences between the Tribunal and the State concerned, and on any other issues of relevance.

**REFERRAL BACK TO THE PRESIDENT**

8. If the requested Government declines the Tribunal's request to enforce the sentence of the convicted person, the Registrar shall refer the issue back to the President, who will designate another State in accordance with paragraph 4 of this Practice Direction.

DATED IN ARUSHA this 22 September 2008...

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Dennis Byron  
President