



UNITED NATIONS  
NATIONS UNIES

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

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OR: ENG

**OFFICE OF THE PRESIDENT**

**Before Judge:** Dennis C. M. Byron  
*President of the Tribunal*

**Registrar:** Adama Dieng

**Date:** 18 May 2009

**THE PROSECUTOR**

v.

**Juvénal KAJELIJELI**

*Case No. ICTR-98-44A*

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**DECISION ON THE ENFORCEMENT OF SENTENCE**

*Article 26 of the Statute & Rule 103(A) of the Rules of Procedure and Evidence*

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PURSUANT to Article 26 of the Statute of the Tribunal (“the Statute”) and Rule 103 of the Rules on Procedure and Evidence (“the Rules”) as well as paragraphs 4 and 5 of the 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 (“the Practice Direction”);

NOTING that on 1 December 2003, Trial Chamber II of the Tribunal found Juvénal Kajelijeli, a Rwandan national born in 1951, guilty of genocide, direct and public incitement to commit genocide and extermination as a crime against humanity and sentenced him to life imprisonment;

NOTING that on appeal, Juvénal Kajelijeli’s conviction for genocide and extermination as a crime against humanity on the basis of superior responsibility was vacated and that the Appeals Chamber converted his sentence on 23 May 2005 to forty-five years’ imprisonment taking into account the serious violation of his rights during arrest and detention;

NOTING that since that time, Juvénal Kajelijeli has remained in the United Nations Detention Facility in Arusha (Tanzania), pending a determination on where his sentences will be enforced;

CONSIDERING the confidential Memorandum which the Registrar submitted to the President on 1 December 2008 pursuant to paragraph 3 of the Practice Direction;

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 (“the Agreement”) signed on 26 August 1999;

NOTING that according to Article 3 (3) of the Agreement, conditions of imprisonment shall be compatible with the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the basic Principles for the Treatment of Prisoners;

NOTING that the Government of Benin was duly consulted by the Registrar on 30 October 2008 about its willingness to enforce the sentence of Juvénal Kajelijeli and has given its agreement on 4 May 2009;

NOTING that information on the convict has been transmitted to the Government of Benin pursuant to paragraph 2 of the Practice Direction;

HAVING NOTIFIED the Government of Rwanda on 27 October 2008, pursuant to Rule 103 and paragraph 2 of the Practice Direction;

HAVING TAKEN INTO ACCOUNT the other factors mentioned in the Practice Direction;

HAVING CONSULTED with the Registrar and Judges of the Sentencing Chamber;

**FOR THOSE REASONS,**

**THE PRESIDENT**

- I. DECIDES** that the sentence imposed on Juvénal Kajelijeli shall be enforced in the Republic of Benin;
- II. ORDERS** that Juvénal Kajelijeli remain in custody of the Tribunal while awaiting his transfer to the Republic of Benin;
- III. RECALLS** that the enforcement will be carried out in accordance with Benin law, subject to the supervision of the Tribunal;
- IV. INVITES** the Registrar to request officially the Government of the Republic of Benin to enforce the sentence of Juvénal Kajelijeli and, should the Government of the Republic of Benin grant the request, notify the President and take all the necessary measures to facilitate the transfer of Juvénal Kajelijeli to Benin;
- V. ORDERS** that this Decision be treated confidential until the transfer procedure has been completed.

Arusha, 18 May 2009, done in English.

Dennis C. M. Byron  
President

[Seal of the Tribunal]