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**United Nations
and
Slovakia**

Agreement between the Slovak Republic and the United Nations on the enforcement of sentences imposed by the International Criminal Tribunal for the former Yugoslavia. The Hague, 7 April 2008

Entry into force: *9 December 2008, in accordance with article 13*

Authentic texts: *English and Slovak*

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**Organisation des Nations Unies
et
Slovaquie**

Accord entre la République slovaque et l'Organisation des Nations Unies relatif à l'exécution des sentences du Tribunal pénal international pour l'ex-Yougoslavie. La Haye, 7 avril 2008

Entrée en vigueur : *9 décembre 2008, conformément à l'article 13*

Textes authentiques : *anglais et slovaque*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement between the Slovak Republic and the United
Nations
on the enforcement of sentences imposed by the International
Criminal Tribunal for the former Yugoslavia**

The Slovak Republic (for the purposes of this Agreement hereinafter called the "requested State") and

The United Nations, acting through the International Criminal Tribunal for the former Yugoslavia (hereinafter called "the International Tribunal"),

RECALLING Article 27 of the Statute of the International Tribunal adopted by Security Council resolution 827 (1993) of 25 May 1993, according to which imprisonment of persons sentenced by the International Tribunal shall be served in a State designated by the International Tribunal from a list of States which have indicated to the Security Council their willingness to accept convicted persons;

NOTING the willingness of the requested State to enforce sentences imposed by the International Tribunal;

RECALLING the provisions of the Standard Minimum Rules for the Treatment of Prisoners approved by ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment adopted by General Assembly resolution 43/173 of 9 December 1988, and the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 of 14 December 1990;

IN ORDER to give effect to the judgments and sentences of the International Tribunal;

HAVE AGREED as follows:

Article 1
Definitions

For the purposes of this Agreement:

- a) "Judgment" means a decision or order of the International Tribunal imposing a sentence;
- b) "Sentence" means any punishment or measure involving deprivation of liberty ordered by the International Tribunal for a limited or unlimited period of time on account of a criminal offence.

Article 2
Purpose and Scope of the Agreement

1. This Agreement shall regulate the enforcement of sentences imposed by judgments of the International Tribunal and procedures relating thereto as between the Parties.
2. The enforcement of sentences which are by their nature or duration incompatible with the law of the Slovak Republic is excluded from the scope of this Agreement.

Article 3
Procedure

1. A request to the Ministry of Justice of the Slovak Republic (hereinafter: "the Ministry of Justice") to enforce a sentence shall be made by the Registrar of the International Tribunal (hereinafter: "the Registrar") with the approval of the President of the International Tribunal.
2. When making a request to the Ministry of Justice, the Registrar shall attach the following documents:
 - a) a certified copy of the judgment;
 - b) a statement indicating the period of the sentence already served, including any pre-trial detention;
 - c) any available medical or psychological reports on the convicted person, any recommendation for his or her further treatment in the requested State and any other information relevant to the enforcement of the sentence.
3. The requests and the documents referred to in paragraph 2 shall be submitted in English and/or French, which are the working languages of the International Tribunal. The cost of translation of the supporting documents by authorized Slovak translators shall be covered by the International Tribunal subject to the prior provision of an estimate of costs and upon submission of an invoice.
4. The Ministry of Justice shall submit the request to the competent courts for the recognition of the judgment and subsequent enforcement of the sentence in accordance with the national law.
5. The competent court shall, upon recognition of the judgment, order the continuation of the enforcement of the sentence in Slovakia. In recognizing the judgment, the competent court shall be bound by the duration of the sentence imposed. An appeal against the decision of the competent court on recognition of the judgment shall not be admissible.

Article 4
Enforcement

1. The conditions of imprisonment, unless this Agreement provides otherwise, shall be governed by the law of the requested State, subject to the supervision of the International Tribunal, as provided for in Articles 7 to 9 and Article 10 paragraphs 2 and 3 below.
2. If, pursuant to the applicable national law of the requested State, the convicted person is eligible for early release, the Ministry of Justice shall notify the Registrar accordingly.
3. The President of the International Tribunal shall decide, in consultation with the Judges of the International Tribunal, whether any early release is appropriate. The Registrar shall inform the Ministry of Justice of the President's decision. If the President decides that an early release is not appropriate, the competent court of the requested State shall take due account of such decision. The Ministry of Justice shall inform the Registrar of the intention of the competent court of the requested State either to continue to enforce the sentence of the convicted person under the same conditions or to transfer the convicted person to the International Tribunal in accordance with article 11.
4. The 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.

Article 5
Transfer of the convicted person

The Registrar shall make appropriate arrangements for the transfer of the convicted person from the International Tribunal to the competent police authorities of the requested State. Prior to his or her transfer, the convicted person will be informed by the Registrar of the content of this Agreement.

Article 6
Non-bis-in-idem

The convicted person shall not be tried before a court of the requested State for acts constituting serious violations of international humanitarian law under the Statute of the International Tribunal, for which he or she has already been tried by the International Tribunal.

Article 7
Inspection

1. The competent authorities of the requested State shall allow the inspection of the conditions of imprisonment by the International Committee of the Red Cross (hereinafter: "ICRC") at any time and on a periodic basis, the frequency of visits to be determined by

the ICRC. The ICRC will submit a confidential report of the findings of these inspections to the requested State and to the President of the International Tribunal.

2. The Ministry of Justice and the President of the International Tribunal shall consult each other on the findings of the reports referred to in paragraph 1. The President of the International Tribunal may thereafter request the requested State to report to him or her any changes in the conditions of imprisonment suggested by the ICRC.

Article 8 *Information*

1. The Ministry of Justice shall immediately notify the Registrar:
 - a) two months prior to the expected completion of the sentence;
 - b) if the convicted person has escaped from custody before the sentence has been completed;
 - c) if the convicted person has become deceased or fallen ill with an incurable life-threatening disease or an incurable mental illness.
2. Notwithstanding the previous paragraph, the Registrar and the Ministry of Justice shall consult each other on all matters relating to the enforcement of the sentence upon the request of either Party.

Article 9 *Pardon and commutation of sentences*

1. If, pursuant to the applicable national law of the requested State, the convicted person is eligible for pardon or commutation of the sentence, the requested State shall notify the Registrar accordingly.
2. The President of the International Tribunal shall decide, in consultation with the Judges of the International Tribunal, whether pardon or commutation of the sentence is appropriate. The Registrar shall inform the Ministry of Justice of the President's decision. If the President decides that a pardon or commutation of the sentence is not appropriate, further enforcement of the sentence in Slovakia will not be possible, and the Registrar will have to make the appropriate arrangements for the transfer of the convicted person in accordance with article 11.

Article 10 *Termination of enforcement*

1. The enforcement of the sentence shall cease:
 - a) when the sentence has been completed;
 - b) upon the demise of the convicted person;
 - c) upon the pardon of the convicted person;
 - d) following a decision of the International Tribunal as referred to in paragraph 2.