

**Exchange of letters between the
International Criminal Tribunal for the former Yugoslavia and the CPT
concerning the monitoring of the conditions of imprisonment
and treatment of certain persons convicted by the Tribunal**



United Nations
Nations Unies



International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

Ms Silvia CASALE
President of the CPT
Conseil de l'Europe
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7 November 2000

Madam,

I have the pleasure to refer to discussions held between the United Nations, acting through the International Criminal Tribunal for the former Yugoslavia (“International Tribunal”) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“CPT”) concerning the monitoring of the conditions of imprisonment and treatment of certain persons convicted by the International Tribunal (“Convicted Persons”).

On behalf of the International Tribunal, I confirm the following understandings:

The CPT agrees, subject to the terms of this letter and your reply (“Exchange of Letters”), to assist the International Tribunal in the monitoring of the conditions of imprisonment and treatment of certain Convicted Persons serving their sentences in the territories of the Parties (“Convention Parties”) to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“Convention”). It is understood that such monitoring will be performed on the basis of Article 2 of the Convention, according to which the Convention Parties permit visits to any place within their territories where persons are deprived of their liberty by a public authority.

(a) Purpose and Scope of the Exchange of Letters

This Exchange of Letters shall regulate matters relating to or arising out of the CPT’s monitoring of the conditions of imprisonment and treatment of certain Convicted Persons who are serving their sentences in the territories of the Convention Parties.

(b) Procedure

- (1) The United Nations, acting through the International Tribunal, expects to become a party to agreements with States on the enforcement of sentences of the International Tribunal (“Enforcement Agreements”). Under certain of these Enforcement Agreements, the CPT will be, following its written approval, designated or appointed to monitor the conditions of detention and treatment of Convicted Persons. In such cases, the CPT shall monitor the conditions of detention and treatment of the Convicted Persons.
- (2) For each Convicted Person, as referred to in Paragraph (b)(1), the International Tribunal shall provide the CPT with the following:
 - (a) a copy of the relevant Judgment;
 - (b) the address and the contact details of the prison where the sentence will be served;
 - (c) the date of the transfer of the Convicted Person to the prison;
 - (d) when appropriate, other relevant information.

(c) Monitoring of Conditions of Detention and Treatment

- (1) The monitoring of the conditions of detention and treatment of the Convicted Persons shall be performed by the CPT by means of visits as provided for in Article 7 of the Convention.
- (2) The timing and the frequency of the visits shall be determined by the CPT. The CPT shall in principle perform at least one visit per prison holding Convicted Persons per year.
- (3) The monitoring of the conditions of detention and treatment of a Convicted Person shall continue until the CPT has been informed by the International Tribunal that the prison sentence has been completed or terminated, or until this Exchange of Letters has been terminated pursuant to Paragraph (g).

(d) Reports

- (1) The CPT will produce a report on the findings of each visit (“Report”), as provided for in Article 10 of the Convention. In this regard, it is understood that the International Tribunal is particularly interested in the conditions of detention and treatment of the Convicted Persons.
- (2) It is understood by the CPT that each Report, as referred to in Paragraph (d)(1), will be provided to the International Tribunal by the Convention Party, in accordance with the applicable Enforcement Agreement.

(e) Confidentiality

The CPT shall treat all information that it receives from the International Tribunal pertaining to the enforcement of a prison sentence with the utmost confidentiality.

(f) Costs

The International Tribunal shall bear all reasonable costs and expenses incurred in sending delegations to carry out visits, as provided for in this Exchange of Letters. The size of the delegations and the length of the visits shall be in accordance with the usual practice of the CPT.

(g) Termination of the Exchange of Letters

This Exchange of Letters shall remain in force unless revoked in writing on 3 months notice by either the International Tribunal or the CPT, provided that, in the event that the CPT has undertaken monitoring of Convicted Persons pursuant to this Exchange of Letters, such revocation shall take effect, with respect to those Convicted Persons, on the first day of the month following the expiration of a period of 12 months after the date on which the revocation was notified in writing.

I would be grateful if you would confirm by return letter that the above is also the understanding of the CPT.

Yours sincerely,

Dorothee de Sampayo Garrido-Nijgh
Registrar

2000



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 24 November 2000

Dear Mrs de Sampayo Garrido-Nijgh,

We thank you for your letter of 7 November 2000 and are pleased to confirm that, subject to the terms of that letter, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is prepared to assist the International Criminal Tribunal for the Former Yugoslavia (International Tribunal) in monitoring the conditions in prisons where persons convicted by the International Tribunal are serving their sentences.

The CPT looks forward to continuing its close cooperation with the International Tribunal in the implementation of this Exchange of Letters.

Yours sincerely,

Silvia CASALE
President of the CPT

Walter SCHWIMMER
Secretary General of the
Council of Europe

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