

(b) Constitutional and Institutional Developments

1. AGREEMENTS CONCLUDED BETWEEN THE ICTY AND STATES

On 24 April 1998, the United Nations signed an agreement with Norway on the Enforcement of Sentences imposed by the International Criminal Tribunal for the former Yugoslavia (ICTY).¹ The Agreement entered into force upon signature. Similar agreements have been signed with Italy and Finland on 6 February 1997 and 7 May 1997 respectively.

Agreements on the enforcement of sentences are concluded on the basis of the Statute of the ICTY. The Statute provides that sentences imposed by the Tribunal will be served in states “which have indicated to the Security Council their willingness to accept convicted persons”.² Pursuant to the same provision of the Statute, the imprisonment shall be in accordance with the applicable law of the state concerned, subject to the supervision of the Tribunal. However, in order for a sentence to actually be served in a state, an agreement on the enforcement of sentences is needed to establish both the legal framework within which the sentence will be served as well as the practical arrangements necessary for carrying out the sentence.

1. ICTY, Press Release, 24 April 1998.

2. See Art. 27 of the 1993 Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, UN Doc. S/23704 (1993), Annex.