



# ASSOCIATION OF DEFENCE COUNSEL PRACTISING BEFORE THE INTERNATIONAL COURTS AND TRIBUNALS

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The Hague, 22 March 2018

H.E. Mr. António Guterres  
Secretary-General  
United Nations Headquarters  
405 East 42<sup>nd</sup> Street  
New York  
10017

Re: ICTR Acquitted Persons and Persons Released after Serving their Sentences

Your Excellency,

The Association of Defence Counsel practising before the International Courts and Tribunals (ADC-ICT)<sup>1</sup> hereby expresses its concern regarding the situation of a number of individuals who have been either acquitted or released after serving their sentences at the International Criminal Tribunal for Rwanda (ICTR) and who remain in Arusha, Tanzania.<sup>2</sup>

This is a situation which has affected certain individuals from as far back as 2006 and despite efforts by the individuals and their counsel, the MICT President and the MICT Registrar, there has been limited action taken to alleviate the situation by the international community.

At the present time, there remain eleven individuals who are located in a MICT Safe House in Arusha. These individuals are unable to return to Rwanda and are unable to be reunited with their families who reside in a number of states.<sup>3</sup> Their family members have either been granted citizenship or refugee status in the countries where they reside.

The affected acquitted or release persons were tried at the ICTR, a Tribunal established by the UN Security Council, and after facing justice are now being subjected to what amounts to punishment by having to remain in a foreign country without their families. The international community owes a duty of care to these individuals to ensure that they are treated with dignity and respect and reunited with their families.

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<sup>1</sup> The ADC-ICT is an independent professional association which represents all defence counsel practising before the Mechanism for International Criminal Tribunals (MICT). The ADC-ICT works to promote and protect the interests of defence counsel and their clients in proceedings before the Mechanism.

<sup>2</sup> A list of the individuals is contained in Annex 1.

<sup>3</sup> Families of these individuals reside in: Belgium, Canada, Denmark, France and the United Kingdom.

The UN Security Council has previously adopted a number of resolutions, including: 2054 (2012), 2080 (2012) and 2256 (2015) calling “upon all states in a position to do so to cooperate with and render all necessary assistance to the International Tribunal for its increased efforts towards the relocation of acquitted persons and convicted persons who have completed serving their sentences”.

Despite these resolutions, member states have failed to take action to ensure that these individuals are relocated and reunited with their families, contrary to their obligations to carry out decisions of the Security Council under the UN Charter. These individuals continue to remain in Tanzania without any identity or travel documents, and consequently, without basic citizen rights, guarantees, and social securities.

The ADC-ICT hereby seeks your enlightened leadership in urging the international community to uphold their obligations and to take action to protect the rights of these eleven individuals and reunite them with their families.

If the ADC-ICT can provide any further assistance or information, please do not hesitate to contact us.

Please accept, Excellency, the assurance of our highest consideration.

Respectfully submitted,



Ms. Colleen Rohan  
President  
ADC-ICT

Copy to:

President of the UN Security Council, New York  
Members of the UN Security Council, New York  
H.E. Judge Theodor Meron, President, MICT  
Mr. Olufemi Elias, Registrar, MICT  
H.E. Mr. Marc Pecsteen de Buytswerve, Permanent Representative of Belgium to the UN  
H.E. Mr. Marc-André Blanchard, Permanent Representative of Canada to the UN  
H.E. Mr. Ib Peterson, Permanent Representative of Denmark to the UN  
H.E. Mr. François Delattre, Permanent Representative of France to the UN  
H.E. Mr. Jonathan Allen, Chargé d’Affaires, UK Mission to the UN  
Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and UN Legal Counsel

# **ANNEX 1**

**List of ICTR Acquitted Persons or Persons Released after Serving their Sentence**

<b>Name</b>	<b>Country where Family Resides</b>
Jerome C. Bicomumpaka	Canada
Gratien Kabiligi	France
Joseph Kanyabashi	Belgium
Prosper Mugiraneza	France
Tharcisse Muvunyi	United Kingdom
Anatole Nsengiyumva	France
André Ntagerura	France
Alphonse Nteziryayo	France
Francois Nzuwonemeye	France
Innocent Sagahutu	Denmark
Protais Zigiranyirazo	France