

MICT-16-100

08-06-2016

(3 - 1/14bis)

MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

Case No. ICTR-00-55C

3/14bis

JN

Before: Judge Theodor Meron, President  
Registrar: Mr John Hocking  
Date of filing: 1 June 2016

**PROSECUTOR**

v.

**ILDEPHONSE NIZEYMANA**

*Public*

---

**REQUEST TO THE MICT PRESIDENT**

---

**The Office of the Prosecutor:**  
Mr Serge Brammertz

**Ildephonse Nizeyimana**  
Mr John Philpot, Defence Counsel

Received by the Registry  
Mechanism for International Criminal Tribunals  
08/06/2016 14:30



1. Mr Ildephonse Nizeyimana is serving a 35-year-sentence following the appeals judgement delivered on 28 September 2012, as appears from the case file of the Court.
2. He is currently detained at the United Nations Detention Facility (UNDF) in Arusha.
3. The undersigned Mr John Philpot has been representing him before the MICT since 6 May 2016.
4. The undersigned attorney wanted to deliver to Mr Nizeyimana the documents in Annex A, that is, the letter addressed to President Meron on 19 April 2016 with annexes.
5. The Registry representative informed the undersigned that he should discuss the possibility of delivering this mail to Mr Nizeyimana with the Commanding Officer of the United Nations Detention Facility.
6. The Commanding Officer, Mr Saidou Guindo, indeed contacted the undersigned attorney on or around Friday, 27 May, and told him that he could not deliver the correspondence to Mr Nizeyimana for reasons which are not clear. No written notice on the refusal to communicate a document to Mr Nizeyimana was issued.
7. The Applicant does not agree with the decision. He is forced to attempt to solve the disagreement by requesting that the President seize a Mechanism Chamber of the matter. Hence, this request to President Meron.

#### The Law

8. Rule 65 of the Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal stipulates as follows:

Each detainee shall be entitled to communicate fully and without restraint with his Defence Counsel, with the assistance of an interpreter where necessary. Unless such Counsel and interpreter have been provided by the Tribunal on the basis of the indigence of the detainee, all such communications shall be at the expense of the detainee. All such correspondence and communications shall be privileged. All visits shall be made by prior arrangement with the Commanding Officer as to the time and duration of the visit and shall be subject to the same security controls as are imposed under Rule 61. The Commanding Officer shall not refuse a request for such a visit without reasonable grounds. Interviews with legal Counsel and interpreters shall be conducted in the sight but not within the hearing, either direct or indirect, of the staff of the Detention Unit.

9. The situation has become illogical: Mr Philpot could send the documents in question to Mr Nizeyimana by the Federal Express courier service through the

Mechanism without the Mechanism being aware of it, but Mr Nizeyimana cannot receive copies of the correspondence sent in his interest to the President of the Tribunal.

10. Mr Nizeyimana has the right to know what steps his Defence Counsel is taking before the Mechanism.

11. Mr Nizeyimana requests that the President order the Registry to deliver all correspondence to him.

12. The Applicant respectfully requests that the President order the Registrar to deliver to him the attached letter.

Word count /in the original/: 479

Respectfully yours,

/signed/

**John Philpot**



**TRANSMISSION SHEET FOR FILING OF TRANSLATIONS  
WITH THE ARUSHA BRANCH OF  
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

<b>To</b>	MICT Registry				
<b>From</b>	<input checked="" type="checkbox"/> ICTY CLSS		<input type="checkbox"/> ICTR LSS		
<b>Original Submitting Party</b>	<input type="checkbox"/> Chambers	<input checked="" type="checkbox"/> Defence	<input type="checkbox"/> Prosecution	<input type="checkbox"/> Other	
<b>Case Name</b>	Nizeyimana	<b>Case Number</b>	MICT-16-100	<b>No. of Pages</b>	3
<b>Original Document No.</b>	MICT-16-100-0001		<b>Translation Reference No.</b>	REG47371	
<b>Date of Original</b>	01/06/2016	<b>Original Language</b>	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
<b>Date Transmitted</b>	08/06/2016	<b>Language of Translation</b>	<input type="checkbox"/> English	<input checked="" type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
<b>Title of original document</b>	REQUÊTE AU PRÉSIDENT DU MTPI				
<b>Title of translation</b>	REQUEST TO THE MICT PRESIDENT				
<b>Classification Level</b>	<input checked="" type="checkbox"/> Unclassified <input type="checkbox"/> Confidential <input type="checkbox"/> Strictly Confidential		<input type="checkbox"/> Ex Parte Defence excluded <input type="checkbox"/> Ex Parte Prosecution excluded <input type="checkbox"/> Ex Parte R86(H) Applicant excluded <input type="checkbox"/> Ex Parte Amicus Curiae excluded <input type="checkbox"/> Ex Parte other exclusion (specify):		
<b>Document type/ Type de document:</b>	<input type="checkbox"/> Indictment	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book	<input type="checkbox"/> Notice of Appeal	
	<input type="checkbox"/> Warrant	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Submission from non-parties		
	<input type="checkbox"/> Motion	<input type="checkbox"/> Correspondence	<input checked="" type="checkbox"/> Submission from parties		
	<input type="checkbox"/> Decision	<input type="checkbox"/> Judgement	<input type="checkbox"/> Book of Authorities		

Send completed transmission sheet to: [JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org)