



Mechanism for International Criminal Tribunals

Case No.: MICT-16-100

Date: 27 June 2016

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Decision of: 27 June 2016

PROSECUTOR

v.

ILDÉPHONSE NIZEYIMANA

PUBLIC

DECISION ON REQUEST TO THE PRESIDENT

Office of the Prosecutor

Mr. Serge Brammertz

Counsel for Mr. Ildéphonse Nizeyimana

Mr. John Philpot

**Received by the Registry
Mechanism for International Criminal Tribunals
27/06/2016 15:08**

A handwritten signature in black ink, appearing to be 'A. Philpot'.

I, THEODOR MERON, President of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

BEING SEISED OF the “Request to the MICT President” filed by Mr. Ildéphonse Nizeyimana on 1 June 2016 (“Request”) with confidential and *ex parte* annex,¹ in which Mr. Nizeyimana requests review of a decision by the Commanding Officer of the United Nations Detention Facility (“UNDF”) denying a request from counsel for Mr. Nizeyimana to transmit certain correspondence to Mr. Nizeyimana in the UNDF and further requests that I order the Registry of the Mechanism to deliver correspondence to Mr. Nizeyimana;²

NOTING the confidential and *ex parte* “Registrar’s Submission Pursuant to Rule 31(B)” filed by the Registrar of the Mechanism (“Registrar”) on 16 June 2016 with confidential and *ex parte* annex;

NOTING the “Response to the Registrar’s Submissions Regarding the Request to the MICT President” filed by Mr. Nizeyimana on 17 June 2016 (“Reply”)³ with annex, in which Mr. Nizeyimana indicates that, in light of intervening events, the Request is now moot and withdraws the Request on the condition that the Reply and its annex are transmitted to Mr. Nizeyimana at the UNDF;⁴

RECALLING that an administrative decision of the Registrar is subject to review by the President of the Mechanism for procedural or substantive unfairness;⁵

RECALLING FURTHER that the Regulations to Govern the Supervision of Visits to and Communications with Detainees (“Regulations”)⁶ applicable at the UNDF provide that “[a] detainee has the right to send and receive mail to or from any person”,⁷ that such mail will be inspected on delivery, and that the Commanding Officer of the UNDF may confiscate any items which, in his opinion, “constitute a threat to the security or good order of the detention unit or the host prison, or to the health or safety of any person therein”,⁸

¹ The English translation of the Request was filed on 8 June 2016. All references herein are to the English translation of the Request.

² See Request, paras. 4-7, 11-12.

³ The English translation of the Reply was filed on 23 June 2016. All references herein are to the English translation of the Reply.

⁴ See Reply, paras. 3-4.

⁵ *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Decision on Request for Review of Registrar’s Remuneration Decision for Appeal Phase I, 15 June 2016 (“*Karadžić Decision*”), para. 12. See also *Karadžić Decision*, paras. 13-14.

⁶ May 1996. The Regulations were adopted by the International Criminal Tribunal for Rwanda and are applicable *mutatis mutandis* to the Mechanism.

⁷ Regulations, para. 1.

⁸ Regulations, paras. 3-4.

CONSIDERING that the Reply and its annex have been filed publicly on the record and that, on their face, there is no reason to conclude that the Reply and its annex could potentially “constitute a threat to the security or good order of the detention unit”;⁹

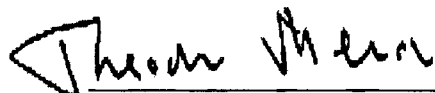
FOR THE FOREGOING REASONS,

DISMISS the Request as moot; and

DIRECT the Registrar to provide a copy of the Reply and its annex to Mr. Nizeyimana within 10 days of the filing of this Decision.

Done in English and French, the English version being authoritative.

Done this 27th day of June 2016,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]



⁹ Regulations, para. 4.



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MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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From/ De :	<input checked="" type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur
Case Name/ Affaire :	Prosecutor v. Ildéphonse Nizeyimana		Case Number/ Affaire n° : MICT-16-100
Date Created/ Daté du :	27 June 2016	Date transmitted/ Transmis le : 27 June 2016	No. of Pages/ Nombre de pages : 3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
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Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
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