



United Nations
Mechanism for International Criminal Tribunals

Case No.: MICT-12-16-R

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron,

Registrar: Mr. Olufemi Elias

Date filed: 3 April 2018

In Re ELIÉZER NIYITEGEKA

**EXTREMELY URGENT REQUEST FOR AN INQUIRY INTO THE
CIRCUMSTANCES SURROUNDING THE DEATH OF ELIEZER NIYITEGEKA**
Rules 80 and 85 of the Rules of Procedure and Evidence and
Rule 30 of the *Rules covering the detention of persons awaiting trial or appeal before the
Tribunal or otherwise detained on the authority of the Tribunal*

Eliézer Niyitegeka:

Mr. Philippe Larochelle, Counsel

Received by the Registry
Mechanism for International Criminal Tribunals
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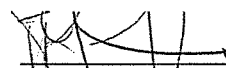
Thwaipopo

1. The undersigned counsel is counsel of record for Mr. Eliezer Niyitegeka before the MICT.
2. On 29 March 2018, counsel heard of the death of Mr. Niyitegeka.
3. As of today, 3 April 2018, counsel has not received any correspondence from the Registrar of the MICT confirming the death of his client, or in any way describing the circumstances of his death. Attempts to communicate with the Registrar have been unsuccessful.
4. The family of Mr. Niyitegeka, though notified by the Registry of Mr Niyitegeka's passing, seeks additional information about the circumstances and cause of death, which so far have not been forthcoming. Mr. Niyitegeka was 65 years old at the time of his decease, and had no known illnesses or pre-existing health conditions.
5. Counsel visited Koulikouro prison, in Mali, in May 2017 and observed that Mr Niyitegeka appeared to be in good health.
6. There have been repeated complaints in the past about access to proper healthcare and health facilities for the UNICTR detainees currently serving their sentence in Koulikouro prison.
7. The information received by counsel is that Mr. Niyitegeka had repeatedly requested to be examined by a cardiologist, which was never arranged. Further, the scheduled bi-weekly medical visits by a general physician were often not respected. Other complaints were relayed to counsel during his visit to Koulikouro prison concerning the manner in which health issues of the ICTR detainees are conveyed to the MICT by the prison authorities and handled on the ground by the same authorities.
8. Transparency is required in any situation involving the death of an inmate in the custody of the MICT, especially in light of the foregoing information. The family of Mr Niyitegeka has a right to know how he died and whether it could have been avoided. The silence of the Registrar in respect of these questions is an affront to Mr Niyitegeka's family, and undermines the legitimacy of the MICT, requiring the President to exercise his supervisory jurisdiction.

FOR THESE REASONS, THE PRESIDENT IS REQUESTED TO:

ORDER an inquiry into the cause and circumstances surrounding the death of M. Eliezer Niyitegeka, on 28th March 2018, as well as the nature and quality of his medical treatment during the preceding year.

RESPECTFULLY SUBMITTED



Philippe Larochelle
Counsel for Éliezer Niyitegeka



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ Greffe du MTPI	☒ Arusha/ Arusha	☒ The Hague/ La Haye
From/ De :	☐ Chambers/ Chambre	☒ Defence/ Défense Philippe Larochelle	☐ Prosecution/ Bureau du Procureur ☐ Other/ Autre :
Case Name/ Affaire :	Eliezer Niyitegeka		Case Number/ Affaire n° : MICT-12-16-R
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Classification Level/ Catégories de classification :	☒ Unclassified/ Non classifié ☐ Confidential/ Confidentiel ☐ Strictly Confidential/ Strictement confidentiel ☐ Ex Parte Defence excluded/ Défense exclue ☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu ☐ Ex Parte R86(H) applicant excluded/ Art. 86 H) requérant exclu ☐ Ex Parte Amicus Curiae excluded/ Amicus curiae exclu ☐ Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/préciser) :		
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