

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-12-15-ES.1

Date: 23 March 2026

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before:** Judge Graciela Gatti Santana, President

**Registrar:** Mr. Abubacarr M. Tambaou

**Decision of:** 23 March 2026

**PROSECUTOR**

v.

**ALFRED MUSEMA**

***PUBLIC REDACTED***

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**DECISION ON REQUEST FOR TRANSFER**

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**Counsel for Mr. Alfred Musema:**

Mr. Steven Kay  
Ms. Gillian Higgins

**I, GRACIELA GATTI SANTANA**, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

**NOTING** that Mr. Alfred Musema (“Musema”) is currently serving a life sentence in the Republic of Benin (“Benin”), following his conviction by the International Criminal Tribunal for Rwanda (“ICTR”) for genocide and extermination as a crime against humanity;<sup>1</sup>

**NOTING** that, on 12 January 2026, I denied a direct petition for early release filed by Musema, having found, *inter alia*, that the information before me does not lead to the conclusion that the state of Musema’s health would render his continued imprisonment inappropriate;<sup>2</sup>

**BEING SEISED** of a motion filed by Musema on 19 February 2026 requesting his immediate transfer to the United Nations Detention Unit (“UNDU”) in The Hague, Kingdom of the Netherlands, in order to undergo assessment of his medical condition and receive [REDACTED] and other treatment recommended by a specialist team;<sup>3</sup>

**NOTING** Musema’s submissions that: (i) he has not yet been treated in Benin, awaiting approval of medical costs by the Registry of the Mechanism (“Registry”), despite over a year having passed since his diagnosis and his numerous pleas for assistance to the prison authorities and the Registry;<sup>4</sup> (ii) the original treatment of [REDACTED] is not available within Benin;<sup>5</sup> and (iii) the continuing failure to provide Musema with appropriate medical treatment constitutes a breach of the Mechanism’s and the prison’s duty of care towards him and of his fundamental rights as a detainee;<sup>6</sup>

**NOTING** that, on 23 February 2026, I instructed the Registrar of the Mechanism (“Registrar”) to file submissions which should, *inter alia*, include: (i) a response to the various allegations of Registry’s unresponsiveness to Musema’s letters and requests; (ii) any updated information on the recommended medical treatment(s) and their availability in Benin, both in prison and in civilian hospitals; (iii) any updated information on the status of approval of the medical costs for Musema’s treatment(s); and (iv) any further information that the Registrar deems relevant to my consideration of the Motion;<sup>7</sup>

<sup>1</sup> See Order Designating State in Which Alfred Musema is to Serve the Remainder of his Sentence, 19 December 2018, p. 2; *Alfred Musema v. Prosecutor*, Case No. ICTR-96-13-A, Judgement, 16 November 2001, para. 399, p. 133.

<sup>2</sup> Decision on the Application for Early Release of Alfred Musema, 12 January 2026 (public redacted), paras. 78-79.

<sup>3</sup> Urgent Motion Seeking Alfred Musema’s Transfer to United Nations Detention Unit for Medical Treatment in The Hague, 19 February 2026 (confidential and *ex parte*) (“Motion”), paras. 1, 24, 36-37.

<sup>4</sup> Motion, paras. 3, 22, 25, 27-29. See also Motion, paras. 8, 12, 14-15, 19, 20 (referring to letters sent to the prison authorities and/or the Registry to which Musema alleges to not have received a response).

<sup>5</sup> Motion, paras. 4, 24, 29. See also Response to Registrar’s Submission in Relation to the “Order for Submissions” of 23 February 2026, 13 March 2026 (confidential and *ex parte*) (“Response”), para. 22.

<sup>6</sup> Motion, paras. 25, 30-33. See also Response, paras. 11, 25-41.

<sup>7</sup> Order for Submissions, 23 February 2026 (confidential), pp. 1-2.

**NOTING** that, on 9 March 2026, the Registrar filed his submissions, in which he, *inter alia*, submits that: (i) extensive internal and external consultations have been required in view of the complexities of the issues arising from Musema’s request, such as the different options for treatment and their availability, as well as certain discrepancies between different invoices he submitted;<sup>8</sup> (ii) while [REDACTED] is not available in the prison or civilian hospitals in Benin, [REDACTED] is;<sup>9</sup> (iii) there is no medical justification or necessity to evacuate Musema to the UNDU as Musema’s treating doctors and the Mechanism’s Medical Officer (“Medical Officer”) have concluded that [REDACTED] is the best available option for Musema’s condition;<sup>10</sup> (iv) none of the medical updates received from the prison doctor in the meantime has indicated a deterioration in Musema’s health;<sup>11</sup> and (v) he was unable to approve funding for a three-year treatment, also being mindful of “the precarious and uncertain financial situation of the Mechanism”, but the Registry informed Musema on the same day that it would pay for the initial three months of the [REDACTED];<sup>12</sup>

**NOTING** that, on 13 March 2026, Musema responded, *inter alia*, that: (i) the Registry only acknowledged receipt of some of his letters to the prison authorities but did not provide him with a substantive reply or an update;<sup>13</sup> and (ii) a detainee cannot be denied medical treatment because no such treatment is available in prison or due to scarcity of resources;<sup>14</sup>

**NOTING** also that, in the Response, Musema repeats his initial request to be transferred to the UNDU for an up-to-date assessment and determination of the most appropriate treatment at this stage and requests, in the alternative, an order for up to three years of [REDACTED] treatment to commence within seven days and an express declaration that it is the responsibility of the Registry in liaison with the prison authorities to obtain and approve any necessary invoices to enable the treatment to commence, as well as an order for reimbursement of all medical costs by Musema to date within seven days;<sup>15</sup>

**RECALLING** that, pursuant to Article 25(2) of the Statute of the Mechanism (“Statute”), the Mechanism shall have the power to supervise, *inter alia*, the enforcement of sentences pronounced by the ICTR, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States;

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<sup>8</sup> Registrar’s Submission in Relation to the “Order for Submissions” of 23 February 2026, 9 March 2026 (confidential and *ex parte*) (“Registrar’s Submission”), paras. 4, 13-16.

<sup>9</sup> Registrar’s Submission, paras. 5, 9, 16.

<sup>10</sup> Registrar’s Submission, paras. 16-18, 20-21, 24.

<sup>11</sup> Registrar’s Submission, paras. 19-21.

<sup>12</sup> Registrar’s Submission, paras. 5, 22-23.

<sup>13</sup> Response, paras. 4-9.

<sup>14</sup> Response, paras. 13-20. *See also* Response, para. 23.

<sup>15</sup> Response, paras. 21, 42-43.

**RECALLING** that Article 3(3) of the enforcement agreement between the United Nations and the Government of Benin<sup>16</sup> provides, *inter alia*, that the conditions of imprisonment shall be compatible with the Standard Minimum Rules for the Treatment of Prisoners,<sup>17</sup> the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment,<sup>18</sup> and the Basic Principles for the Treatment of Prisoners;<sup>19</sup>

**RECALLING FURTHER** that the Standard Minimum Rules, the Mandela Rules, the Body of Principles, and the Basic Principles all provide that prisoners shall have access to health care services<sup>20</sup> and that, according to the Mandela Rules, “prisoners should enjoy the same standards of health care that are available in the community”;<sup>21</sup>

**CONSIDERING** that [REDACTED] has been confirmed on multiple occasions by both the prison doctor and the Medical Officer as being the best treatment option for Musema and that this is available in Benin;<sup>22</sup>

**CONSIDERING** that the most recent medical update from the prison doctor recommending [REDACTED] is from 7 February 2026 and that the prison doctor confirmed on 2 March 2026 that the situation remains unchanged;<sup>23</sup>

**FINDING** that, in these circumstances, Musema’s transfer to the UNDU for assessment and/or treatment is not warranted;

**CONSIDERING** that, since the filing of the Motion, the Registrar has approved the release of funds for the first three months of Musema’s [REDACTED], pending receipt of a more recent invoice covering the relevant period of treatment;<sup>24</sup>

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<sup>16</sup> Agreement Between the United Nations and the Government of the Republic of Benin on the Enforcement of Sentences Pronounced by the International Criminal Tribunal for Rwanda or the International Residual Mechanism for Criminal Tribunals, dated 12 May 2017 (“Enforcement Agreement”).

<sup>17</sup> Adopted by the First United Nations Congress on the Prevention of Crimes and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by Resolutions 663 C (XXIV), 31 July 1957 and 2076 (LXII), 13 May 1977 (“Standard Minimum Rules”). I note that a revised version of the Standard Minimum Rules was subsequently issued. *See* United Nations Standard Minimum Rules for the Treatment of Prisoners adopted by United Nations General Assembly Resolution 70/175 of 17 December 2015 (“Mandela Rules”), as recalled in the Preamble of the Enforcement Agreement.

<sup>18</sup> *See* General Assembly Resolution 43/173, 9 December 1988 (“Body of Principles”).

<sup>19</sup> *See* General Assembly Resolution 45/111, 14 December 1990 (“Basic Principles”).

<sup>20</sup> Standard Minimum Rules, Rules 22-26; Mandela Rules, Rules 24-35; Body of Principles, Principle 24; Basic Principles, para. 9.

<sup>21</sup> Mandela Rules, Rule 24(1).

<sup>22</sup> *See* Registrar’s Submission, paras. 5, 9, 12, 16, 18, 24.

<sup>23</sup> *See* Registrar’s Submission, paras. 20-21.

<sup>24</sup> *See* Registrar’s Submission, para. 23.

**CONSIDERING** that at this stage of the Mechanism’s lifespan, where the possibility of transferring aspects of the Mechanism’s supervision of sentence enforcement will be considered at the next Security Council meeting in June 2026,<sup>25</sup> the Registrar’s decision to approve the first three months of treatment appears reasonable and that, accordingly, the Registry’s request for an updated invoice that covers this period of treatment also appears necessary to allow for the processing of funding;

**FINDING** therefore no reason to intervene at this stage and order that the full treatment be paid by the Mechanism;

**CONSIDERING**, however, that since the appropriate treatment for Musema has now been agreed and in view of the importance of ensuring that his treatment starts without further delay, the updated invoice should be provided as soon as possible and the Registry should engage on an urgent basis with the prison authorities for this purpose;

**OBSERVING** that for the Registry to reimburse any other medical costs borne by Musema, he should provide the Registry with the appropriate invoices;

**PURSUANT** to Article 25(2) of the Statute and Rule 23(A) of the Rules of Procedure and Evidence of the Mechanism;

**HEREBY DISMISS** the Motion; and

**INSTRUCT** the Registrar to engage urgently with the prison authorities in Benin in order to obtain the updated invoice for the initial three months of Musema’s [REDACTED].

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

Done this 23rd day of March 2026,  
At Arusha,  
Tanzania.



Judge Graciela Gatti Santana  
President

**[Seal of the Mechanism]**

<sup>25</sup> See generally Report of the Secretary-General, Transfer of the functions under articles 25 (2), 26 and 28 (3) of the Statute of the International Residual Mechanism for Criminal Tribunals, S/2025/786, 1 December 2025.



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