

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-37-ES.2

Date: 28 April 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambaou

Decision of: 28 April 2026

PROSECUTOR

v.

HASSAN NGEZE

PUBLIC REDACTED VERSION

**DECISION ON HASSAN NGEZE'S REQUEST
FOR TEMPORARY MEDICAL EVACUATION**

Counsel for Mr. Hassan Ngeze:

Ms. Mirjana Vukajlović

Republic of Benin

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

RECALLING that Mr. Hassan Ngeze (“Ngeze”) is currently serving a sentence of 35 years of imprisonment 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;¹

NOTING the confidential submission filed by the Registrar of the Mechanism (“Registrar”) on 30 March 2026, pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), transmitting Ngeze’s request for temporary medical evacuation dated 17 June 2024 and information relevant to the application of Article 4(5) of the enforcement agreement between the United Nations and Benin;²

BEING SEISED OF the Request for Medical Evacuation, whereby Ngeze seeks temporary medical evacuation to the United Nations Detention Unit in The Hague, Kingdom of the Netherlands,³ or, as indicated in a later correspondence, to a State with appropriate medical facilities in order to receive “appropriate medical care”;⁴

NOTING the medical reports concerning Ngeze’s condition, dated 6 May 2021, 29 August 2025, and 18 December 2025, respectively, which indicate that he suffers from [REDACTED] and recommend, in order to provide optimal patient care, that a [REDACTED] (“Recommended Examination”) be conducted;⁵

NOTING the Registrar’s submissions that: (i) Benin “does not yet have the operational and technical facilities” to conduct the Recommended Examination;⁶ and (ii) the Medical Officer of the Mechanism

¹ See Order Designating State in Which Hassan Ngeze is to Serve the Remainder of his Sentence, 19 December 2018, p. 2. See also Decision on Motion Filed by Hassan Ngeze, 7 February 2019, p. 1; *Ferdinand Nahimana et al. v. Prosecutor*, Case No. ICTR-99-52-A, Judgement, 28 November 2007 (originally filed in French; English translation filed on 16 May 2008), paras. 1113-1115, p. 346.

² Registrar’s Submission on Hassan Ngeze’s Request for Temporary Medical Evacuation, 30 March 2026 (confidential) (“Registrar’s Submission”), paras. 1-2, 10-26, Annex A, Registry Pagination (“RP”) 2355-2354 (“Request for Medical Evacuation”). See 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”). On 1 August 2025, following the receipt of information on Ngeze’s Request for Medical Evacuation, I informed the Registrar that, should Ngeze’s medical evacuation be considered necessary, the Registrar should request judicial authorisation to evacuate Ngeze from Benin and transfer him on a temporary basis, and, in order to assist my determination of whether the circumstances fall within Article 4(5) of the Enforcement Agreement, I would welcome receiving further information along with the Request for Medical Evacuation. See Internal Memorandum from the President to the Registrar, dated 1 August 2025 (confidential), paras. 3-4.

³ Registrar’s Submission, Annex A, RP 2354.

⁴ See Registrar’s Submission, Annex I, RP 2326-2325, 2322.

⁵ Registrar’s Submission, Annex A, RP 2352-2351, Annex G, RP 2334, Annex I, RP 2324-2322.

⁶ Registrar’s Submission, paras. 15-16.

(“Medical Officer”) has explored alternative options for the Recommended Examination outside Benin;⁷

NOTING also that the Registrar submits that: (i) the Republic of Senegal (“Senegal”) has indicated that the Recommended Examination is available and has agreed in principle to Ngeze’s temporary transfer for that purpose;⁸ and (ii) Ngeze consents to undergoing the Recommended Examination in Senegal;⁹

NOTING, however, that the Registrar’s submission further mentions that: (i) while the Beninese authorities have expressed their verbal agreement to a possible temporary evacuation to Senegal, no written confirmation has been received despite multiple follow-ups;¹⁰ and (ii) the facilities identified by the Senegalese authorities to accommodate Ngeze are not operational and would require significant renovations;¹¹

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;

RECALLING that Article 3(3) of the Enforcement Agreement provides, *inter alia*, that the conditions of imprisonment shall be compatible with the Standard Minimum Rules for the Treatment of Prisoners,¹² the Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment,¹³ and the Basic Principles for the Treatment of Prisoners;¹⁴

RECALLING 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 services¹⁵ and that,

⁷ Registrar’s Submission, para. 6.

⁸ Registrar’s Submission, paras. 18-21, Annex K, RP 2329-2318.

⁹ Registrar’s Submission, para. 25, Annex L, RP 2316-2315. *See also* Letter from Ngeze to the President and the Registrar, dated 22 August 2025 (confidential), pp. 1-2.

¹⁰ Registrar’s Submission, paras. 22-24, 26.

¹¹ Registrar’s Submission, paras. 18, 21, Annex K, RP 2318.

¹² 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.

¹³ *See* General Assembly Resolution 43/173, 9 December 1988 (“Body of Principles”).

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

¹⁵ Standard Minimum Rules, Rules 22-26; Mandela Rules, Rules 24-35; Body of Principles, Principle 24; Basic Principles, para. 9.

according to the Mandela Rules, “prisoners should enjoy the same standards of health care that are available in the community”;¹⁶

RECALLING that Article 4(5) of the Enforcement Agreement provides that “[t]he requested State shall cooperate with the Mechanism in the event of the need to evacuate the convicted person in case of an emergency which, in the view of the Mechanism, necessitates an evacuation and transfer to another prison in the requested State or to another State”;

NOTING that Ngeze has access to health care services in Benin and is receiving ongoing medical treatment;¹⁷

NOTING that the Mechanism, through the Registrar and the Medical Officer, continues to receive frequent updates regarding Ngeze’s medical condition and to engage with the relevant medical authorities to ensure that appropriate care is provided to him;¹⁸

CONSIDERING that an evacuation under Article 4(5) of the Enforcement Agreement constitutes an exceptional measure, reserved for situations of a serious and urgent nature amounting to an emergency necessitating transfer;

CONSIDERING further that the Registrar is not requesting judicial authorisation to evacuate Ngeze from Benin and transfer him on a temporary basis;¹⁹

CONSIDERING that, while the available medical information indicates that specialised diagnostic examinations have been recommended in order to clarify Ngeze’s diagnosis, and that such examinations are currently not available in Benin, the information before me does not establish that Ngeze’s condition is of such a serious and urgent nature as to constitute an emergency necessitating evacuation and transfer within the meaning of Article 4(5) of the Enforcement Agreement;

FINDING that, in the present circumstances, Ngeze has failed to demonstrate that his medical condition constitutes an emergency requiring evacuation and transfer to another State within the meaning of Article 4(5) of the Enforcement Agreement;

FOR THE FOREGOING REASONS,

PURSUANT TO Article 25(2) of the Statute and Rules 23(A) and 128 of the Rules;

¹⁶ Mandela Rules, Rule 24(1).

¹⁷ See, e.g., Registrar’s Submission, Annex A, RP 2353-2351, Annex G, RP 2333-2331, Annex I, RP 2324-2322.

¹⁸ See Registrar’s Submission, paras. 5-6.

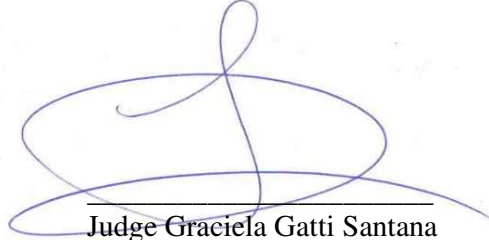
¹⁹ See generally Registrar’s Submission.

HEREBY DISMISS the Request for Medical Evacuation, without prejudice; and

DIRECT the Registrar to provide the Senegalese authorities with the public redacted version of this decision as soon as practicable.

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

Done this 28th day of April 2026,
At Arusha,
Tanzania.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

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From/ De :	<input checked="" type="checkbox"/> President/ Président	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Registrar/ Greffier	<input type="checkbox"/> Other/ Autre
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Document type/ Type de document :	<input type="checkbox"/> Motion/ Requête	<input type="checkbox"/> Judgement/ Jugement/Arrêt	<input type="checkbox"/> Book of Authorities/ Recueil de sources	<input type="checkbox"/> Warrant/ Mandat		
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II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

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