

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-30-ES

Date: 6 July 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 6 July 2026

PROSECUTOR

v.

JEAN-PAUL AKAYESU

PUBLIC

**DECISION ON JEAN-PAUL AKAYESU'S URGENT REQUEST
TO THE PRESIDENT**

Counsel for Mr. Jean-Paul Akayesu:

Mr. John Philpot

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

RECALLING that Mr. Jean-Paul Akayesu (“Akayesu”) is serving a sentence of life imprisonment in the Republic of Benin (“Benin”), following his conviction by the International Criminal Tribunal for Rwanda (“ICTR”) for genocide, direct and public incitement to commit genocide, and murder, extermination, torture, rape, and other inhumane acts as crimes against humanity;¹

BEING SEISED of a request filed by Akayesu on 25 June 2026, in which he seeks an order directing the Registrar of the Mechanism to make the necessary arrangements for the medical treatments which, according to Akayesu, must be undertaken abroad no later than 15 July 2026;²

NOTING that Akayesu has submitted, in support of the Request, a confidential medical report dated 26 September 2024, together with a confidential correspondence from the Registry of the Mechanism (“Registry”) dated 13 April 2026;³

RECALLING that, pursuant to Article 25(2) of the Statute of the Mechanism (“Statute”), the Mechanism shall have the power to supervise the enforcement of sentences pronounced by the International Criminal Tribunal for the former Yugoslavia, the ICTR, or the Mechanism, 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 between the United Nations and the Government of Benin⁴ provides, *inter alia*, that the conditions of imprisonment shall be compatible with the Standard Minimum Rules for the Treatment of Prisoners,⁵ the Body of Principles for the

¹ *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-A, Arrêt, 1 June 2001, p. 201; *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-A, Corrigendum, 14 June 2001. *See Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgement, 2 September 1998, pp. 293-294; *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-04-S, Sentence, 2 October 1998, p. 13. *See also* Order Designating State in Which Jean-Paul Akayesu is to Serve the Remainder of his Sentence, 19 December 2018, p. 2.

² Urgent Request to the President, 25 June 2026 (“Request”) (public with confidential annexes), paras. 2-4, 6, p. 2.

³ Request, Registry Pagination (“RP”) 1182-1180.

⁴ 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”).

⁵ 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.

Protection of all Persons Under any Form of Detention or Imprisonment,⁶ and the Basic Principles for the Treatment of Prisoners;⁷

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 services⁸ and that, according to the Mandela Rules, “prisoners should enjoy the same standards of health care that are available in the community”;⁹

CONSIDERING that ensuring access to appropriate medical care for the convicted persons serving their sentences under the supervision of the Mechanism is a matter of fundamental importance and forms an integral part of the Mechanism’s supervisory responsibilities under Article 25(2) of the Statute;

CONSIDERING that the Request indicates that Akayesu requires specialised medical treatment, including a surgical procedure that is unavailable in Benin and must be carried out abroad;¹⁰

CONSIDERING that the material before me indicates that the Registry is actively engaged in addressing Akayesu’s medical needs by maintaining regular contact with the prison authorities, obtaining updated information concerning his medical condition, consulting relevant medical professionals, and assessing the availability of appropriate treatment in a suitable location;¹¹

CONSIDERING that, while I remain attentive to the need for any medically indicated treatment to be arranged and provided without unnecessary delay, the material before me does not establish that the Registry has failed to act with due diligence, has refused to take appropriate measures, or has otherwise unduly delayed the discharge of its responsibilities with respect to Akayesu’s medical care;

CONSIDERING further that the medical report relied upon by Akayesu is dated 26 September 2024 and that no more recent medical evidence has been provided demonstrating either a deterioration of his medical condition or that the requested treatment must be arranged by 15 July 2026;

FINDING therefore that Akayesu has not substantiated the relief requested;

⁶ See General Assembly Resolution 43/173, 9 December 1988 (“Body of Principles”).

⁷ See General Assembly Resolution 45/111, 14 December 1990 (“Basic Principles”).

⁸ Standard Minimum Rules, Rules 22-26; Mandela Rules, Rules 24-35; Body of Principles, Principle 24; Basic Principles, para. 9.

⁹ Mandela Rules, Rule 24(1).

¹⁰ Request, RP 1181.

¹¹ Request, RP 1180.

EMPHASISING, nevertheless, that the Registry should continue to monitor Akayesu's medical condition with appropriate diligence, pursue without unnecessary delay any medical arrangements that may become necessary, and keep me informed should circumstances arise requiring judicial intervention;

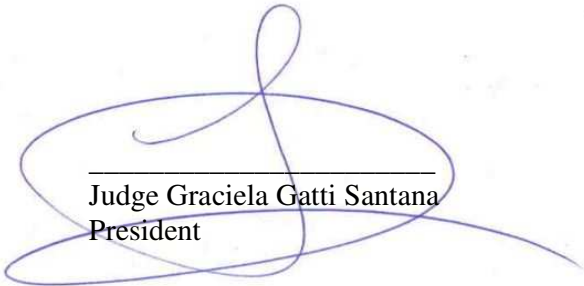
FOR THE FOREGOING REASONS,

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 Request, without prejudice.

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

Done this 6th day of July 2026,
At Arusha,
Tanzania.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ Greffe du MIFRTP	<input checked="" type="checkbox"/> Arusha/ Arusha	<input type="checkbox"/> The Hague/ La Haye					
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Date Created/ Daté du :	6 July 2026	Date transmitted/ Transmis le :	6 July 2026	Number of Pages/ Nombre de pages :	4			
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	<input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers	<input type="checkbox"/> Indictment/ Acte d'accusation						

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