**26 May 2026**

**OPEN LETTER TO THE UNITED NATIONS SECURITY COUNCIL AND THE SECRETARY-GENERAL OF THE UNITED NATIONS**

**Opposition to the Transfer of IRMCT/ICTR Detainees to Rwanda**

We, the undersigned lawyers and Defence Counsel who represent individuals before the International Criminal Tribunal for Rwanda ("ICTR") and the International Residual Mechanism for Criminal Tribunals ("IRMCT"), write to express our profound opposition to any proposal to transfer persons convicted by the ICTR/IRMCT and currently serving sentences in Benin and Senegal to Rwanda.

The proposed transfer is not an ordinary administrative or financial measure. It concerns the fate, safety, dignity and fundamental rights of individuals who remain under the authority of a United Nations institution. The United Nations has a continuing legal and moral obligation to ensure that the enforcement of sentences complies with international human rights standards and the rule of law. The transfer of these detainees to Rwanda would violate those obligations.8

The detainees have made their position unmistakably clear. In their memorandum to the United Nations Security Council, they describe the prospect of transfer to Rwanda as a threat to their lives and physical safety (Annex T/1). Their fears are not irrational. They are grounded in law, evidence, and Rwanda's documented conduct.

**The UN's Continuing Responsibility**

The United Nations has continuing legal obligations toward all persons detained under the authority of the IRMCT. UN Security Council Resolution 2740 (2024) expressly emphasises the importance of ensuring that the rights of persons detained on the authority of the Mechanism are in accordance with applicable international standards relating to health care, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (para. 16, Annex T/2).

IRMCT President Judge Graciela Gatti Santana, in her remarks before the United Nations General Assembly on 22 October 2025, acknowledged that protecting the fundamental rights of these prisoners is essential to the rule of law and that verdicts must not only be entered; sentences must be enforced (p. 2, Annex T/3). She further stressed that the "justice cycle" must be completed "fairly" (p.4, Annex T/3). That includes completing a sentence without breaching international principles and without being transferred to an unsafe state. Any transfer to Rwanda would undermine those principles.

The Resolution further recognises that decisions concerning relocation and transfer must take into account the consent or any objections raised by the individuals to be relocated (para. 7, Annex T/2). The detainees have unequivocally objected. They object because they believe that transfer to Rwanda would expose them to persecution, retaliation, arbitrary detention conditions, denial of medical care, and potentially death (Annex T/1).

The United Nations cannot dismiss those fears simply because Rwanda offers assurances.

**Rwanda Has Already Been Found to Breach International Obligations**

The proposed transfer must be assessed against Rwanda's contemporary human rights record, its treatment of perceived opponents, and its documented history of disregarding international obligations.

In November 2023, the United Kingdom Supreme Court ('UKSC') delivered one of the most important judicial findings ever made concerning the modern Rwandan state. In R (AAA (Syria) and others) v Secretary of State for the Home Department [2023] UKSC 42 (Annex T/4), the UK Supreme Court concluded that there were substantial grounds for believing that individuals transferred to Rwanda faced a real risk of refoulement due to systemic deficiencies in Rwanda's asylum system and failures to comply with international obligations. The Court relied heavily on evidence from the United Nations High Commissioner for Refugees ("UNHCR"), including evidence of previous refoulement incidents and failures to honour refugee protection guarantees (T/5) and on evidence from Human Rights Watch (T/6). The Court's findings are particularly important because they rejected the argument that diplomatic assurances from Rwanda could simply be taken at face value.

These findings are directly relevant here. The issue is not merely whether Rwanda offers assurances. It is whether Rwanda can be trusted to comply with them. International courts and treaty bodies have repeatedly found that Rwanda has violated fundamental human rights obligations. In Ingabire Victoire Umuhoza v Republic of Rwanda (Application No. 003/2014, T/7), the African Court on Human and Peoples' Rights held that Rwanda violated fair trial guarantees and freedom of expression protections. Similarly, the European Parliament adopted a resolution confirming Rwanda had violated these rights in (Annex T/8). And the United Nations Human Rights Committee found that Rwanda violated rights protected under the International Covenant on Civil and Political Rights ("ICCPR") in its Concluding Observations on Rwanda (Annex T/9).

The continuing treatment of Victoire Ingabire also demonstrates the limited practical value of international rulings against Rwanda. Although the African Court found that Rwanda violated Victorie Ingabire's fair trial and freedom of expression rights, the Rwandan authorities have continued to use domestic legal proceedings and prosecutorial mechanisms against her more than a decade later. In June 2025, the Rwandan government arrested Victoire Ingabire, almost four years after the arrest of nine others, eight of whom are members of Ingabire's unregistered political party, and one of whom is a journalist (T/10.1). These nine outspoken critics of the Rwandan regime were targeted for exercising their rights to freedom of expression, association, and peaceful assembly. Amnesty International has repeatedly called for an end to the harassment, prosecution, and intimidation of Ms Ingabire and members of her political movement (T/10.2). If a prominent opposition figure who successfully obtained a judgment from the African Court remains vulnerable to continuing legal harassment inside Rwanda, then ICTR detainees cannot reasonably expect different treatment.

The history of Rwanda's relationship with the African Court on Human and Peoples' Rights also demonstrates the inability of the international community to rely on Rwanda's diplomatic and legal assurances. In cases including Mugesera v Rwanda access to the African Court formed part of the broader international assurances relied upon regarding legal protection and judicial oversight (T/11). Yet Rwanda subsequently withdrew the declaration permitting individuals to bring cases directly before the African Court, thereby significantly limiting access to international judicial protection once scrutiny became politically inconvenient. This

history is directly relevant to the present proposal. It demonstrates that formal legal guarantees offered by Rwanda cannot automatically be assumed to endure when they cease to align with the interests of the State.

Other recent examples of Rwanda's disregard for international legal obligations reinforce this concern. In June 2023, the Dutch Supreme Court refused the extradition of Pierre-Claver Karangwa to Rwanda because of concerns that he would not receive a fair trial (Annex T/12). The Court upheld findings that the risk of political interference and deficiencies in Rwanda's judicial system prevented extradition. This is a clear example of a leading European court refusing to trust Rwanda with the fair treatment of an accused person despite formal assurances from the Rwandan authorities. Even more recently, in March 2026, the United States imposed sanctions on the Rwanda Defence Force ("RDF") and senior Rwandan military officials for their direct operational support of the M23 armed group in eastern Democratic Republic of Congo ("DRC"). The U.S. Treasury stated that the RDF was "actively supporting, training, and fighting alongside" M23 and condemned Rwanda for "blatant violations of the Washington Peace Accords" brokered by the United States between Rwanda and the DRC. The United States further stated that M23's offensives, carried out with RDF support, involved human rights abuses, including "extrajudicial killings, arbitrary arrests, and torture" (T/13.1). The European Union similarly imposed sanctions on additional individuals and entities linked to the conflict in eastern Congo, citing continuing violence, destabilisation, and violations of international commitments arising from Rwanda's support for the M23 occupation of eastern Congo (T/13.2).

These are criticisms that directly relate to whether the UN can rely on assurances from Rwanda as to the treatment of the detainees post transfer. Further, these recent examples of breaches of international law come against a background of constant criticism from the press and human rights organisations. Human Rights Watch (T/14), Amnesty International (T/15), Reuters (T/16) and other international observers have consistently documented issues including (i) arbitrary detention; (ii) enforced disappearances; (iii) intimidation of critics; (iv) political prosecutions; (v) ill-treatment in detention; (vi) restrictions on freedom of expression; and (vii) reprisals against perceived opponents both within and outside Rwanda. These concerns are not historical abstractions. They are current, recurring, and well-documented, and they establish a clear, discernible pattern. Rwanda does not reliably tolerate perceived political enemies.

The UK Supreme Court in AAA held unanimously that Rwanda's assurances could not be relied upon because Rwanda had a demonstrated history of breaching non-refoulement obligations and disregarding international commitments (T/4). The same reasoning applies directly to the proposed transfer of IRMCT sentence-enforcement prisoners: formal assurances from Rwanda cannot displace objective evidence of systemic political interference, reprisals against perceived regime opponents, and prior disregard of international obligations.

**The Detainees Are Uniquely Vulnerable**

Rwanda is not being asked to enforce the sentences of unknown foreign nationals. It is being asked to take custody of men whose convictions are permanently tied to Rwanda's national political identity and official genocide narrative.

The ICTR detainees are not ordinary prisoners. They are individuals whose identities remain permanently associated with Rwanda's most politically sensitive historical narrative. Many are viewed by the current Rwandan authorities not simply as convicted persons, but as symbolic

political figures associated with the former Hutu-led state or with competing narratives concerning the events of 1994. That political reality matters.

The detainees themselves have explained in their memorandum to the United Nations Security Council that they fear persecution, mistreatment, torture, reprisals, and even death if returned to Rwanda (Annex T/2). Their fears are not speculative.

If the UKSC found that Rwanda cannot be trusted with asylum seekers, it cannot safely be trusted with ICTR detainees. These detainees, as people convicted of genocide, are political enemies of the current regime. These are individuals whose return has symbolic political value in a country where politically sensitive detainees are especially vulnerable due to a lack of independence. Transfer to Rwanda will remove international oversight as to the enforcement of the sentence and leave the detainees at the mercy of a system that the UKSC has found to have a problematic level of executive influence (T/4).

The International Association of Democratic Lawyers ("IADL"), whose members include former ICTR Defence Counsel, warned in February 2026 that transfer to Rwanda would amount to "a death knell" for ICTR detainees and acquitted persons (p. 2, T/17). The IADL further observed that Rwanda's conduct toward political opponents and perceived enemies remains "abysmal and unchanged" and referred to intimidation, imprisonment of opposition figures, and the treatment of critics and dissidents (p. 2–3, T/17).

**The Fear of the Detainees Is Objectively Reasonable**

The detainees' fears are reinforced by extensive international reporting concerning arbitrary arrests and enforced disappearances on Rwandan soil; as well as Rwanda's well-documented campaign of extraterritorial killings, kidnappings and intimidation abroad.

Within its own borders, Rwanda pursues a ruthless campaign of repression against critics (T/18). Journalists, online commentators, and opposition-linked media figures continue to face arbitrary arrest and prosecution. Alongside Victorie Ingabire and the other 8 arrested (T/10.1), Rwandan authorities recently arrested journalists associated with the "Imbarutso ya Demokarasi" YouTube channel, reflecting the continuing suppression of dissenting voices and independent criticism inside Rwanda (T/19). Such repression has formed the basis of successful asylum appeals by Rwandans to countries such as the UK (T/20).

Moreover, international reporting has shown undeniable evidence of regime critics suffering suspicious deaths whilst in custody. News organisations including the BBC (T/21.1 and T/21.2), and organisations such as Amnesty (T/15) and Human Rights Watch (T/21.3) have recorded deaths in Rwandan custody in highly controversial circumstances. In February 2020, gospel singer, reconciliation activist, and government critic Kizito Mihigo died in police custody shortly after being rearrested by Rwandan authorities (T/21.1). More recently, the academic and government critic Aimable Karasira died in custody on the very day he was due to be released from prison (T/21.2 and T/21.3). Rwanda has a clear pattern of suspicious deaths of high-profile critics in state custody and a well-established track record of evading its obligation to ensure transparent and independent investigations into those deaths (T/19). Critics and perceived opponents of the Rwandan Government remain highly vulnerable within Rwanda itself, especially while in detention or state custody.

There is also clear evidence of transnational repression directed at Rwandan critics living abroad. International reporting, such as the Guardian (T/22) has documented allegations of murder plots, threats, intimidation, disappearances, and attacks directed at Rwandan critics living abroad. Human rights organisations including Human Rights Watch have documented Rwanda's extraterritorial repression, including killings, kidnappings, enforced disappearances, physical attacks, intimidation, and pressure directed at critics and their family members abroad. Human Rights Watch further observed that many Rwandans living outside Rwanda now "live in fear of traveling, being attacked, or seeing their relatives in Rwanda targeted." (T/23).

The documented treatment of Paul Rusesabagina, a known activist against the Rwandan government, further intensifies these concerns. In 2022, Mr Rusesabagina was seized in Dubai in violation of international laws against enforced disappearance and arbitrary detention (T/24). The United Nations Working Group on Arbitrary Detention concluded that Rwandan authorities had abducted him and found that his transfer to Rwanda was unlawful, that his subsequent trial was riddled with procedural irregularities and unfairness, and that his detention violated multiple protections under the ICCPR (T/25).

If critics and perceived opponents are detained, persecuted, and killed inside Rwanda itself, and pursued even beyond Rwanda's borders, there can be no serious confidence that former ICTR detainees would be safe once returned directly to Rwandan state custody. The proposed transfer is a request for the United Nations to transfer detainees into the custody of a State that has already been found by UN mechanisms to have engaged in state-sponsored abduction and arbitrary detention. Evidence of deaths in custody shows that there is nowhere inside Rwanda that critics can be safe, and evidence of such transnational repression begs the question: if critics are unsafe in London, how will detainees ever be safe inside Rwanda?

**The Principle of Non-Refoulement Prohibits Transfer**

The prohibition against refoulement is a cornerstone of international law. It is reflected in Article 3 of the Convention Against Torture ("CAT"), Articles 6 and 7 of the ICCPR, the Refugee Convention, customary international law and broader principles prohibiting transfer to a real risk of torture, cruel treatment, arbitrary detention, or persecution.

The obligation applies wherever substantial grounds exist for believing that an individual faces a real risk of serious harm. That threshold is plainly met here. The United Nations cannot lawfully transfer detainees into the custody of a State where (i) there is credible evidence of political repression; (ii) the judiciary's independence has repeatedly been questioned; (iii) critics and perceived opponents face intimidation and reprisals; (iv) international courts and treaty bodies have already found violations of fundamental rights. Diplomatic assurances cannot overcome that record.

**The Right for a Sentence to be Supervised**

The report of the Secretary General on the Transfer of functions under the IRMCT (S/2025/786) (T/26) confirms that supervision of the enforcement of a sentence under Article 25(2) is a distinct legal protection function that requires consideration of legal and other implications, not a mere administrative placement decision. Any transfer that places sentenced persons under the control of a politically interested receiving State while weakening independent international supervision would undermine the very rationale of the Mechanism's enforcement regime.

The ICTR repeatedly treated genocide-related proceedings in Rwanda as uniquely vulnerable to political pressure, intimidation, and practical unfairness. Rule 11bis jurisprudence including Prosecutor v Munyakazi (T/27) recognised credible fears of reprisals against defence witnesses, structural inequality of arms, and the inadequacy of formal assurances. If Rwanda could not reliably be trusted with trial proceedings under direct Tribunal scrutiny, it cannot safely be trusted with unsupervised sentence enforcement of convicted ICTR detainees whose political symbolism is even greater.

**Legal Rights Would Be Impeded by Transfer**

A transfer to Rwanda would not only endanger the detainees' physical safety, it would also materially impede their continuing legal rights. The IRMCT confirms that persons convicted by the ICTR, ICTY or Mechanism may apply for pardon, commutation of sentence or early release under Article 26 of the Mechanism Statute, with decisions taken by the Mechanism President (T/26). In practice, however, meaningful exercise of that right depends upon cooperation by the enforcing State, access to counsel, medical evidence, family support, and the ability to communicate freely with the Mechanism. There is substantial reason to doubt that Rwanda would facilitate these rights in good faith for prisoners whom it regards as notorious political enemies. Rwanda's longstanding treatment of political opponents, dissidents and genocide-related detainees demonstrates a pattern of punitive and restrictive state conduct incompatible with impartial sentence administration. International courts and human rights organisations have repeatedly documented politically motivated prosecutions, arbitrary detention, intimidation, and lack of effective judicial independence. In these circumstances, there is a serious and well-founded concern that applications for early release or commutation by ICTR detainees transferred to Rwanda would be obstructed, undermined, politically opposed, or rendered practically meaningless.

Further, those rights depend on meaningful access to counsel, witnesses, family, and independent review, and transfer to Rwanda would make that access practically impossible.

Protected witnesses and review witnesses could not realistically be expected to travel to Rwanda. The ICTR's own Rule 11bis jurisprudence recognised this problem. In *Prosecutor v Munyakazi*, the Appeals Chamber accepted that witnesses may be unwilling to testify for the Defence because they feared "threats, harassment, torture, arrest, or being killed", and that witnesses abroad would fear intimidation and threats if required to testify in Rwanda (T/27). The same concern arose in *Kanyarukiga*, where the Appeals Chamber considered there was "sufficient information" about harassment of witnesses testifying in Rwanda, including threats, torture, arrests, detentions and killings, and that defence witnesses feared being accused of "genocidal ideology" if they testified (T/28).

Nor can it be assumed that Defence Counsel could safely visit clients in Rwanda. Peter Erlinder, a lead ICTR Defence Counsel, was arrested by Rwandan authorities in Kigali in 2010 after travelling there to assist Victoire Ingabire and detained in Kigali Central Prison for three weeks (T/29). The English High Court has also recorded evidence that John Philpot, who had worked extensively before the ICTR and had been critical of the Rwandan Government, was "no longer able to go to Rwanda for fear of his own safety", and that the Erlinder case made other foreign lawyers apprehensive about travelling there (T/30).

Transfer would also impede the right to family contact. Many family members of ICTR detainees are refugees or persons who fear Rwanda and could not safely travel there. The

Nelson Mandela Rules require that prisoners be allowed, under necessary supervision, to communicate with family and friends "at regular intervals" through correspondence, telecommunications and visits (T/31). Human rights organisations have demonstrated clear examples of families being threatened abroad, providing concrete evidence for fears they would be unsafe in Rwanda (T/32).

Transfer to Rwanda would obstruct not only safety but the practical exercise of continuing legal rights including sentence review, early release, access to counsel, access to witnesses, protected witness security, and family contact. A sentence enforced in conditions where counsel cannot safely attend, witnesses cannot safely testify, and families cannot safely visit is not merely inconvenient, it is incompatible with the fair and humane enforcement of a sentence under international law.

**Financial Considerations Cannot Override Human Rights Obligations**

We recognise the financial pressures currently facing the IRMCT and the United Nations. Judge Gatti Santana referred to the need to reduce costs and transfer or terminate certain functions where possible (p. 1, Annex T/3). However, budgetary concerns cannot justify exposing detainees to foreseeable human rights violations. Rwanda's offer to assume enforcement costs does not resolve the legal problem. On the contrary, it heightens concern that financial expediency may displace the United Nations' human rights obligations.

The question is not which State is cheapest. The question is whether the transfer would be lawful, humane, and consistent with the principles upon which international criminal justice was founded.

**The Integrity of International Justice Is at Stake**

The ICTR and IRMCT were established to uphold the rule of law, not to compromise it. The legitimacy of international criminal justice depends not only on prosecuting crimes but also on respecting the rights and dignity of those convicted. As Judge Gatti Santana stated before the General Assembly: "We cannot falter in this last mile of the justice cycle and risk undoing all that has come before" (p. 4, T/3).

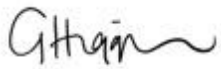
A forced transfer to Rwanda against the wishes of the detainees, despite extensive evidence of serious human rights concerns, would do precisely that. It would irreparably damage confidence in the fairness, neutrality, and humanity of international criminal justice.

**Request**

We therefore call upon you to oppose any proposal of transfer of ICTR/IRMCT detainees to Rwanda. The treatment of these detainees will form part of the historical record by which international justice itself will ultimately be judged. The detainees must either be transferred to a State which complies with the international human rights obligations as set out above or be released.

**Signatories:**

**Gillian Higgins**

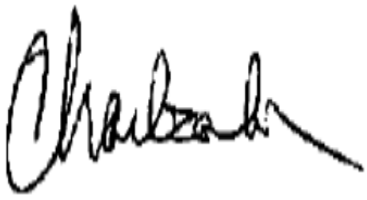


**Steven Kay KC**

**Marie-Hélène Proulx**

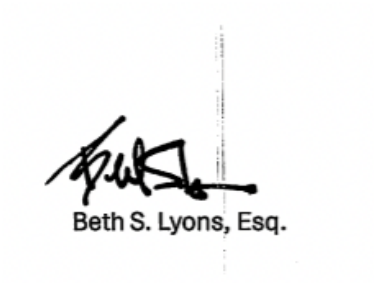
**Sandrine Gaillot, Esq.**

**Chief Charles A. Taku**



**John Philpot, attorney**

**Philippe Larochelle, avocat**



Lennox S. Hinds, Esq.

PETER ROBINSON

**Counsel for Augustin Bizimungu, Laurent Semanza, and Jean de Dieu Kamuhanda**

**ANNEXES — PRINCIPAL SOURCES RELIED UPON**

1. Memorandum from ICTR/IRMCT detainees in Benin to the President of the UN Security Council dated 6 April 2026.
2. United Nations Security Council Resolution 2740 (2024).
3. Remarks of IRMCT President Judge Graciela Gatti Santana to the United Nations General Assembly, 22 October 2025.
4. R (AAA (Syria) and others) v Secretary of State for the Home Department [2023] UKSC 42.
5. UNHCR evidence relied upon in R (AAA) v SSHD [2023] UKSC 42.
6. HRW submissions to the UKSC in R (AAA) v SSHD [2023] UKSC 42.
7. Ingabire Victoire Umuhoza v Republic of Rwanda, African Court on Human and Peoples' Rights, Application No. 003/2014.
8. EU Parliament Resolution on Ingabire Victoire Umuhoza v Republic of Rwanda.
9. UN Concluding Observations on Rwanda.
10. Amnesty International reporting on the current treatment of Victorie Ingabire
11. Mugesera v Rwanda, Application No. 012/2017, Judgment of the African Court on Human Rights.
12. Reporting and the decision of Dutch Supreme Court refusing extradition to Rwanda of a man sought to face charges of genocide.
13. US Department of Treasury and EU Sanctions on Rwanda for actions in the DRC.
14. Human Rights Watch: Rwanda country reports and reporting on arbitrary detention, disappearances, torture, and treatment of political opponents.
15. Amnesty International: Rwanda reports concerning detention conditions, disappearances, political repression and human rights concerns.
16. Reuters reporting on political repression and human rights concerns.
17. International Association of Democratic Lawyers, "No Transfer to Rwanda of the ICTR Acquitted and Released Persons and ICTR Convicted Prisoners Held in Benin and Senegal" (26 February 2026).
18. Guardian: reporting on repression of critics inside Rwanda.
19. IGIHE: reporting on political repression and human rights concerns for treatment of political opponents.
20. Guardian: asylum grants to Rwandans and concerns regarding Rwanda's safety.
21. BBC: reporting on silencing of Government opposition and the deaths of critics in custody.
22. Guardian: reporting on the oppression and violence towards critics outside of Rwanda.
23. HRW: reporting on the oppression and violence towards critics outside of Rwanda.
24. Kennedy Human Rights Centre reporting on the enforced disappearance of Paul Rusesabagina.
25. UNWGAAD report on the arbitrary detention of Paul Rusesabagina.
26. Report of the Secretary-General on the transfer of functions under Articles 25(2), 26 and 28(3) of the Statute of the IRMCT (S/2025/786).
27. Prosecutor v Munyakazi (ICTR-97-36-R11bis)
28. Prosecutor v Kanyarukiga (Case No. ICTR-2002-78-R11bis) decision on the prosecution's appeal against decision on referral under rule 11bis.
29. ASIL - The Arrest of ICTR Defense Counsel Peter Erlinder in Rwanda
30. Rwanda v Nteziryayo and others judgment [2017] EWHC 1912 (Admin)
31. The UN Standard Minimum Rules for the Treatment of Prisoners ('Mandela Rules')
32. HRW: Rwanda threatens witnesses of killings and detained families of victims.