



STAND FOR OUR PARENTS

ASSOCIATION

Families of ICTR/IRMCT Detainees

FORMAL OPPOSITION TO THE TRANSFER OF ICTR/IRMCT DETAINEES TO RWANDA

AND ALTERNATIVE PROPOSALS

Letter addressed to

His Excellency the Secretary-General of the United Nations

8 May 2026



SUBJECT

Formal opposition to the transfer of ICTR/IRMCT detainees to Rwanda and alternative proposals.

Your Excellency,

We, children, spouses and relatives of the detainees of the International Criminal Tribunal for Rwanda (ICTR), now placed under the jurisdiction of the International Residual Mechanism for Criminal Tribunals (IRMCT), gathered under the movement "STAND FOR OUR PARENTS", have the honour to bring to Your Excellency's attention our formal opposition to any decision aimed at transferring our parents currently held in Benin and Senegal, to the Republic of Rwanda.

This letter follows the memorandum addressed to the President of the Security Council on 6 April 2026 by the detainees themselves. It expresses a common position, shared by all of the detainees, their families and their relatives, united in a single endeavour. It is grounded in the principles of international law applicable in this matter.

In a constructive spirit, we respectfully present to Your Excellency our opposition together with a set of concrete and immediately operational alternative solutions.

I. LEGAL GROUND

Several universally recognized principles of international law preclude a transfer to the Republic of Rwanda. These are binding rules of international human rights and international criminal law from which no derogation is permitted in the present context.

A. The "Non bis in idem" principle

The "Non bis in idem" principle, one of the oldest and most universally recognized foundations of international criminal law, prohibits a person from being tried or punished twice for the same acts. This principle is enshrined in Article 14, paragraph 7 of the International Covenant on Civil and Political Rights, as well as in Article 10 of the ICTR Statute. It is further elaborated by the United Nations Human Rights Committee in General Comment No. 32 on Article 14.

Parallel proceedings having been initiated in Rwanda against persons tried by the ICTR. Therefore, transferring them to Rwandan territory would, in practice, expose them to a second conviction for the same acts. Such a situation would constitute a direct and incontestable violation of this principle.

B. The principle of non-refoulement

The principle of non-refoulement, a customary rule of international law, prohibits any State or international organization from transferring a person to a territory where he or she would be exposed to a real risk of inhuman or degrading treatment, torture, or serious infringement of human dignity.

This principle is enshrined in Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in Article 7 of the International



Covenant on Civil and Political Rights. Reports issued by recognized international organizations, in particular Amnesty International (2024) and Human Rights Watch (July 2025), document systematic violations of the rights of persons deprived of their liberty in Rwanda, making such risk concrete and established.

C. The detainee's informed consent

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by General Assembly Resolution 70/175, provide in Rule 59 that prisoners shall be allocated, to the extent possible, to prisons close to their homes or places of social rehabilitation. The detainees' families have, over many years, established the practical conditions necessary to maintain contact with their relatives in Benin and Senegal; a transfer to Rwanda would defeat the purpose of this Rule. Beyond the Mandela Rules, the requirement of detainee consent in matters of designation of the State of enforcement is reflected in the practice of the International Residual Mechanism for Criminal Tribunals and, expressly with respect to acquitted and released persons, in Security Council Resolution 2740 (2024).

The detainees have formally expressed their refusal of any transfer to Rwanda, through the collective memorandum of 6 April 2026 addressed to the President of the Security Council. This formal opposition constitutes the clear expression of a collective will that cannot be disregarded without undermining the commitments made by the United Nations to persons placed under its jurisdiction.

D. Security Council Resolution 2740 (2024)

Security Council Resolution 2740 (2024) expressly addresses the situation of acquitted persons and convicted persons who have served their sentences, providing that they cannot be transferred to a State without their prior consent. This Council determination, by which the United Nations is bound, applies directly to several persons currently in Niger and reinforces the broader principle that any decision concerning the location of persons under the Mechanism's jurisdiction must respect their expressed will.

E. The IRMCT Directive of 7 May 2025

The IRMCT Directive of 7 May 2025 expressly conditions, in its paragraph 4, any transfer decision on compliance with Articles 7 and 10 of the International Covenant on Civil and Political Rights, which respectively guarantee the prohibition of inhuman treatment and respect for the dignity of persons deprived of their liberty. The violations documented in Rwanda render such compliance impossible and would prevent any designation of that State from satisfying the conditions set out in the Directive itself.

F. The practice of earlier international jurisdictions

Ad hoc international criminal tribunals have, in their constant practice, declined to transfer convicted persons to States that were parties to the conflict giving rise to the judgments and having a direct interest in the outcomes of the proceedings or in the persons concerned. The International Residual Mechanism, as direct heir to the ICTR, is bound by this logic: the Republic of Rwanda has a direct and continuing interest in the persons convicted by the ICTR, including

through ongoing domestic proceedings. Its designation as State of enforcement raises serious concerns regarding impartiality and the appearance of justice required of any decision taken under United Nations authority.

II. FACTUAL SITUATION

A. Formal refusal expressed by the detainees

The detainees have, on several occasions, formally expressed their opposition to any transfer to Rwanda. This opposition has been expressed in particular through:

- The collective memorandum of 6 April 2026 addressed to the President of the Security Council by the detainees in Benin;
- The collective letter of 18 March 2026 from the detainees in Senegal;
- Various individual and collective communications addressed to the competent authorities;
- A common position shared by all of the detainees, whether held in Benin or Senegal, together with their families and their relatives, who together form a united community on this matter.

Without prejudice to each detainee's individual position, these collective initiatives, undertaken by the detainees in Benin and Senegal, reflect a clear and formally documented opposition that must be taken into account by United Nations bodies in accordance with their own commitments.

This formal opposition extends a structured and duly documented process undertaken by the detainees themselves, who have addressed the competent organs on several occasions, in particular: the open letter to the Judges of the ICTR/IRMCT of 12 February 2024; the letter addressed to the President of the Security Council on 26 November 2025 (ref. 05/DT-SN/2025); the collective memorandum of 6 April 2026 addressed to the President of the Security Council; and the letter addressed to Madam President of the Mechanism on 20 April 2026 (ref. 004/DT-SN/2026). Taken together, these communications constitute an opposition formally registered before the highest United Nations bodies.

B. International documentation regarding Rwanda

Reports by recognized international organizations document, in Rwanda, serious and persistent violations of the rights of persons deprived of their liberty. The 2024 report of Amnesty International notes, in particular, the absence of Rwanda's ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. The Human Rights Watch report of 18 July 2025 documents, in detail, cases of extrajudicial executions, enforced disappearances, arbitrary detention, torture, and unofficial detention facilities.

These factual elements, originating from recognized and independent sources, do not allow Rwanda to be regarded as a State offering the guarantees necessary for the enforcement of sentences pronounced by an international jurisdiction.

C. The situation in Niger — a distinct but connected concern

Although the persons currently held in a safe house in Niger are not directly concerned by the proposed transfer to Rwanda, their situation deserves Your Excellency's particular attention.

Persons acquitted by the ICTR or who have fully served their sentences have been held there for several years, without clear legal status, without freedom of movement, awaiting a relocation that the international community has been unable to organize. Several of them have died while waiting.

In accordance with paragraph 7 of Resolution 2740 (2024), these persons cannot be transferred to Rwanda without their consent. Beyond this point, their humanitarian situation calls for an immediate response, independent of the matter concerning the detainees in Benin and Senegal.

We respectfully urge Your Excellency to ensure the prompt implementation of the settlement agreements concluded with the Republic of Niger in 2021, and the maintenance of subsistence and accommodation assistance beyond 2026, pending a durable solution.

III. HUMAN IMPACT ON THE FAMILIES

Beyond legal considerations, we respectfully draw Your Excellency's attention to the human dimension of this decision, which would affect innocent families — children, spouses, brothers and sisters — who have been the subject of no judicial proceedings.

- Many of our family members live in exile and benefit from international protection status. This protection has been recognized precisely because of the risks incurred in the event of return to, or contact with, the Rwandan authorities. A transfer of our relatives to Rwanda would place us in the practical and legal impossibility of maintaining any family link.
- Several of the detainees are now elderly and present significant health concerns. Many have spent very long years deprived of their liberty, and their state of health is increasingly precarious. A transfer to a new environment, where access to appropriate care cannot be guaranteed, would constitute a serious risk for them.
- For the great majority of the families, such a transfer would mean the definitive end of any possibility of visits, imposing a lasting separation on families already deeply affected by long years of detention.
- The children and grandchildren of the detainees, who have been the subject of no proceedings whatsoever, would be deprived of any real opportunity to know or to see their parents and grandparents again.
- Members of our families still present in Rwanda are already subjected to pressure and would not dare to visit our relatives, fearing consequences for their own safety.

We respectfully urge the United Nations to take full account of this human impact, which adds to the legal considerations in making the Republic of Rwanda an option that cannot, in good conscience, be retained.

IV. ALTERNATIVE SOLUTIONS

Mindful that the funding of the Mechanism calls for concrete responses, and noting that the Secretary-General's report S/2025/786 of 1 December 2025 itself sets out, in particular at paragraphs 28 and 72, the various avenues currently under consideration, we respectfully submit to Your Excellency five avenues, all legally grounded and operationally realistic.

Option 1 — Maintenance of existing arrangements in Benin and Senegal

The detention agreements concluded with the Republic of Benin (since 2009) and the Republic of Senegal (since 2017) operate in accordance with international standards. The infrastructure is in place. The maintenance of these arrangements, accompanied by adequate financial support from the United Nations, is the simplest, most economical solution from the standpoint of transition costs, and the most respectful of the rights of detainees and their families.

Option 2 — A durable solution for the persons held in Niger

Independently of the situation of detainees in Benin and Senegal, the situation of the persons held in the safe house in Niger calls for an immediate response: relocation to a willing third State, the granting of clear legal status, and the guarantee of effective international protection. The continuation of negotiations with the Republic of Niger, the implementation of the agreements concluded in 2021, and the maintenance of assistance beyond 2026 are essential.

Option 3 — Review of early release applications

The Directive of 15 May 2020 introduced, as a condition for any early release, a requirement of admission of guilt. This requirement raises a matter of principle in light of the principle of non-retroactivity applicable to conditions for the enforcement of sentences. Its review would allow the substantive examination, with full respect for the rights of the defence, of pending applications — providing a response that would be both just and economical for the Mechanism. Moreover, we recall that the great majority of these convicted persons pleaded not guilty during their appearance before the ICTR and maintained their plea throughout the proceedings. To require them to plead guilty while serving their sentences raises serious concerns of principle and of fundamental rights.

Option 4 — Designation of a neutral third State

Should a reorganization nevertheless be considered, the designation of a neutral third State, with no connection to the context giving rise to the judgments, and meeting the criteria of the Directive of 7 May 2025 (judicial independence, verifiable guarantees, international supervision, prior consultation of detainees and their families), would constitute a legitimate alternative.

Option 5 — Transfer of administrative control to existing host States

The Secretary-General's report S/2025/786 of 1 December 2025 itself contemplates this option in paragraph 28: the transfer of control over conditions of detention to the current host States, namely the Republic of Benin and the Republic of Senegal, while maintaining the IRMCT's judicial supervision. This avenue, legally sound and operationally realistic, in our view deserves priority consideration.

V. FORMAL REQUESTS

In light of the foregoing, we respectfully submit the following requests:

- The withdrawal of the Republic of Rwanda from the list of States eligible to receive ICTR/IRMCT detainees, and the formal recording of this exclusion by the Security Council;

- The immediate suspension of any preparatory measure for a transfer to Rwanda, pending consideration of the present observations;
- The maintenance and reinforcement of existing detention arrangements in Benin and Senegal, accompanied by the necessary funding from the Organization;
- An immediate, dignified and lasting response to the situation of the persons held in Niger, by relocation to a willing third State with clear legal status and effective international protection;
- Priority consideration of the transfer of administrative control to current host States, within a framework of continued judicial supervision by the IRMCT, in accordance with paragraph 28 of report S/2025/786;
- The reconsideration, with due regard to the principle of non-retroactivity, of the conditions introduced by the Directive of 15 May 2020 in respect of early releases;
- Should the designation of a third State be contemplated, the opening of a transparent and independent selection procedure, with verifiable criteria and the formal prior consultation of detainees and their families;
- A referral to the United Nations Working Group on Arbitrary Detention and to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for independent opinions on the legal and human-rights implications of the proposed transfer;
- The formal consideration of this letter in the Security Council's deliberations relating to report S/2025/786.

CONCLUSION

We trust in the wisdom and high authority of the United Nations to uphold law, human dignity and institutional consistency in the handling of this matter. A just, measured decision, fully aligned with the Organization's commitments, is not only possible but necessary.

Pending a favourable response from Your Excellency, and remaining at Your disposal for any further information or audience that You may consider useful to organize, we ask You to accept the assurance of our highest and most respectful consideration.



Done in Brussels, on 8 May 2026.

On behalf of the executive committee

STAND FOR OUR PARENTS

Association – being constituted under Belgian law

**President of the Executive
Committee**

Président du Comité Exécutif

SIGNATURE

Nkezabera Oscar

NAME / NOM

May 8, 2026

DATE

**Vice-President of the
Executive Committee**

Vice-Présidente du Comité Exécutif

SIGNATURE

Diane Ashimwe

NAME / NOM

9th May 2026

DATE

On behalf of the families of the ICTR/IRMCT detainees and all those gathered under the movement Stand
For Our Parents.



CONTACT

For any communication, request for clarification, or follow-up regarding this letter, the Association may be reached at the following address:

contact@standforourparents.org

Stand For Our Parents – Association being constituted under Belgian law.



RECIPIENTS

Principal recipient:

- His Excellency the Secretary-General of the United Nations — New York, United States of America

Copies for information:

- The President of the Security Council of the United Nations — New York, United States of America
- Madam President of the International Residual Mechanism for Criminal Tribunals (IRMCT) — The Hague, Netherlands
- The Registrar of the International Residual Mechanism for Criminal Tribunals — The Hague, Netherlands
- Members of the United Nations Security Council — New York, United States of America
- The United Nations High Commissioner for Human Rights (OHCHR) — Geneva, Switzerland
- The President of the United Nations Human Rights Committee — Geneva, Switzerland
- His Excellency the Chairperson of the African Union Commission — Addis Ababa, Ethiopia
- The President of the International Committee of the Red Cross (ICRC) — Geneva, Switzerland
- Defence Counsels
- The families of the signatory detainees

REFERENCES

The legal sources cited in the present letter are publicly accessible at the following links.

1. United Nations standards on the treatment of detainees

- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), General Assembly Resolution A/RES/70/175, 17 December 2015 – full text: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf
- Refworld record (resolution citation): <https://www.refworld.org/legal/resolution/unga/2016/en/119111>

2. United Nations Security Council instruments

- UN Documents portal: [https://docs.un.org/en/s/res/2740\(2024\)](https://docs.un.org/en/s/res/2740(2024))
- Adoption press release (UN Meetings Coverage): <https://press.un.org/en/2024/sc15752.doc.htm>

3. Core international human rights treaties

- International Covenant on Civil and Political Rights (Articles 7, 10 and 14): <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3): <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

4. Authoritative interpretations of human rights treaty provisions

- United Nations Human Rights Committee, General Comment No. 32 on Article 14 (CCPR/C/GC/32), 23 August 2007 – covers ne bis in idem at paragraphs 54 to 57: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GC/32

5. ICTR and IRMCT instruments

- Statute of the International Criminal Tribunal for Rwanda and IRMCT documents portal: <https://www.irmct.org>
- IRMCT Practice Direction / Directive of 7 May 2025 – available via the IRMCT documents and practice directions section: <https://www.irmct.org>
- IRMCT Practice Direction / Directive of 15 May 2020 on early release – same source.

6. United Nations human rights mechanisms relevant to the situation in Rwanda

- Universal Periodic Review of Rwanda – Working Group recommendations: <https://www.ohchr.org/en/hr-bodies/upr/rw-index>



- UN Human Rights Committee Concluding Observations on Rwanda (treaty body database): https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&CountryID=145
- Working Group on Arbitrary Detention: <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention>
- Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: <https://www.ohchr.org/en/special-procedures/sr-torture>