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1 February 2017

The Honorable Miguel de Serpa Soares  
United Nations Legal Counsel  
United Nations Headquarters  
New York, NY 10017

Re: Judge Aydin Sefa Akay

Dear Dr. Soares,

As you are undoubtedly aware, on 31 January 2017, Presiding Judge Theodor Meron of the Appeals Chamber of the Mechanism for International Criminal Tribunals (“MICT”) issued an order to the government of Turkey that it release MICT Judge Aydin Sefa Akay. I attach a copy of that order, which was issued in the case of former Rwandan Minister of Planning Augustin Ngirabatware. I am Dr. Ngirabatware’s counsel.

I am writing to request that you arrange for UN Secretary General Antonio Guterres to place a telephone call to President Recep Erdogan of Turkey, bringing this order to his personal attention, and urging him to release Judge Akay.

A telephone call from Secretary Guterres to President Erdogan would serve two important purposes. First, such a personal plea would go a long way to convincing Turkey to release Judge Akay. And, second, it would only be fair to President Erdogan to give him every opportunity to obey the judicial order.

Under MICT Rule 90, obstruction of the proceedings, including by violating a judicial order, is punishable as the criminal offence of contempt of the Tribunal. Should Judge Akay not be released, I plan on filing a motion asking the MICT to institute contempt proceedings against President Erdogan. While I would hope that it would never go so far, this could lead to the issuance of an international arrest warrant and difficult ramifications for States upon whose territory President Erdogan may seek to travel.

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On a personal level, I would like to appeal to you to do your best to convince your client, Secretary Guterres, to make such a phone call. My client, Augustin Ngirabatware, is sitting in a prison cell in Tanzania, unable to obtain even a hearing because of Judge Akay's arrest. A few thousand kilometers away, Judge Akay is sitting in a prison cell in Turkey, despite his diplomatic immunity. This is why we became lawyers—to remedy injustice.

I know that you have been a great supporter of the MICT, as well as the ICTR and ICTY. I have heard you speak at conferences and groundbreakings. Now you can make a real difference not only for the United Nations, but also for two individuals, with families who love and miss them. Please don't miss this opportunity.

Judge Meron was eloquent in his order when he said that “to say that Judge Akay can be replaced easily to facilitate the judicial process...is to say we do not value judicial independence, value justice, value what is right.”

I am asking you to do what is within your power and what is right. Please arrange for your client, Secretary Guterres, to call President Erdogan and urge him to release Judge Akay. We would all be eternally grateful to you and Secretary Guterres for doing so.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Robinson". The signature is written in a cursive, flowing style with large, connected letters.

PETER ROBINSON

Counsel for Augustin Ngirabatware