



UNITED NATIONS

Case No : MICT-14-77-ES
Date : June 29, 2026
Original : English

BEFORE THE PRESIDENT OF THE MECHANISM

Before: The honourable Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

THE PROSECUTOR

v.

ALOYS NTABAKUZE

Case No. MICT-14-77-ES

ALOYS NTABAKUZE'S DIRECT PETITION FOR EARLY RELEASE

pursuant to Paragraph 5 of the Practice Direction on the Procedure for Determination of Applications for Pardon, Commutation of Sentence and Early Release of Persons Convicted by the ICTR (MICT/3/Rev.3), Article 26 of the MICT Statute, and Rules 150 and 151 of the MICT Rules of Procedure and Evidence

PUBLIC REDACTED

Counsel for the Petitioner

Sandrine Gaillot, Esq.

The Office of the Prosecutor

Mr. Serge Brammertz

I. INTRODUCTION

1. Mr. Aloys Ntabakuze (“the Petitioner”) respectfully submits this direct petition for early release to the Honourable President of the International Residual Mechanism for Criminal Tribunals (“the Mechanism” or “MICT”) pursuant to Paragraph 5 of the Practice Direction on the Procedure for Determination of Applications for Pardon, Commutation of Sentence and Early Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism, Article 26 of the MICT Statute, and Rules 150 and 151 of the MICT Rules of Procedure and Evidence (“RPE”).
2. As of the date of this filing, the Petitioner has been continuously detained for nearly 29 years, having been arrested on 18 July 1997. He has now served approximately 82% of his 35-year sentence, with his sentence set to expire on 18 July 2032, **6 years from now**.
3. Three distinct and independently compelling grounds – two of which constitute **exceptional and unprecedented circumstances** that were not and **could not have been raised in prior submissions** - support the granting of this petition:
 - (i) The imminent closure of the Mechanism;¹
 - (ii) The proposed transfer of sentence supervision to Rwanda;
 - (iii) The exemplary conduct and genuine rehabilitation the Petitioner has demonstrated throughout his sentence.

II. PROCEDURAL BACKGROUND

4. Mr. Aloys Ntabakuze was charged jointly with Théoneste Bagosora, Gratien Kabiligi, and Anatole Nsengiyumva in the Military I case.² On 18 December 2008, ICTR Trial Chamber I convicted the Petitioner pursuant to Article 6(3) St. and sentenced him to life imprisonment.
5. On 8 May 2012, the Appeals Chamber of the ICTR:
 - (i) **affirmed** the Petitioner’s convictions pursuant to Article 6(3) for genocide, extermination and persecution as crimes against humanity, and violence to life

¹Report of the Secretary-General on the International Residual Mechanism for Criminal Tribunals, S/2025/786, 1 December 2025 (“*SG Report*”), para. 31.

² Case No. ICTR-98-41

as a serious violation of Article 3 Common to the Geneva Conventions and Additional Protocol II, in relation to killings at Nyanza hill (11 April 1994) and at IAMSEA (approximately 15 April 1994);³

(ii) **reversed** his convictions for: (a) genocide, extermination and persecution as crimes against humanity, and violence to life, in relation to killings in Kabeza (7–8 April 1994); (b) murder as a crime against humanity; and (c) responsibility for crimes committed by militiamen;⁴ and

(iii) **set aside the sentence of life** imprisonment and imposed a sentence of 35 years of imprisonment.⁵

6. On 29 June 2012, the Petitioner was transferred to the Republic of Benin to serve the remainder of his sentence.⁶ He became **eligible to apply for early release under the domestic law of Benin on 18 January 2015** (upon serving **one-half** of his sentence). He became **eligible under the Practice Direction on 18 November 2020** (upon serving **two-thirds** of his sentence).⁷ He completed **three-quarters of his sentence on 17 October 2023**.
7. On 19 November 2020, the Petitioner filed his first direct petition for early release (MICT-14-77-ES.1). By Decision dated 17 May 2022, the then-President of the Mechanism, Judge Carmel Agius, denied the petition on the grounds that the gravity of the crimes constituted a dominant factor militating strongly against early release, while acknowledging the Petitioner’s genuine rehabilitation efforts and expressly leaving open the possibility of future relief.⁸
8. **New and exceptional circumstances** have now arisen since the prior filing of November 2020, which could not have been raised at that time, and which fundamentally alter the calculus for early release.

³*Appeal Judgement*, paras. 203, 227, 313, p. 107: conviction affirmed solely under Art. 6(3) of the ICTR Statute.

⁴ *AJ* paras. 128, 136, 175, 262, 314, p. 107.

⁵ *AJ*, para. 316, p. 107.

⁶ See IRMCT Press Release, Ntabakuze Transferred to Benin, 29 June 2012.

⁷ PD, para. 8.

⁸ *The Prosecutor v. Aloys Ntabakuze*, MICT-14-77-ES.1, Decision on Early Release, 17 May 2022 (“*May 2022 Decision*”).

III. APPLICABLE LAW

9. Pursuant to Article 26 MICT Statute and Rules 149 to 151 RPE, pardon, commutation of sentence, or early release may be granted by the President of the Mechanism, in consultation with Judges, on the basis of the interests of justice and the general principles of law.
10. Pursuant to Rule 151 of the RPE, the President shall take into account, *inter alia*: (a) the gravity of the crimes for which the prisoner was convicted; (b) the treatment of similarly situated prisoners; (c) the prisoner's demonstration of rehabilitation; and (d) any substantial cooperation of the prisoner with the Prosecutor. These factors are not cumulative and are to be assessed holistically.
11. The President may additionally grant early release on **compelling humanitarian grounds**, independently of the Rule 151 factors, where **continued detention is incompatible with the convicted person's fundamental rights and dignity**. This President confirmed and applied this standard in *The Prosecutor v. Dominique Ntawukulilyayo*, Decision on Early Release, 18 February 2026.⁹

IV. ARGUMENTS

A. The Exceptional Circumstances Arising from the Mechanism's Imminent Closure

12. The Mechanism's mandate was and remains residual and time-limited. The question of when and how its functions — including the supervision of outstanding sentences — will be transferred to States or otherwise wound down has now passed from abstract prospect to concrete reality.
13. In his Report to the Security Council dated 1 December 2025, the Secretary-General addressed in concrete terms the transfer of the Mechanism's sentence enforcement functions. With respect to convicted Rwandan nationals, the Report notes that transfer

⁹ The Prosecutor v. Dominique Ntawukulilyayo, Case No. MICT-13-34-ES, Decision on Early Release, 18 February 2026, paras. 55–59 ("*Ntawukulilyayo Decision*").

of the day-to-day supervision of sentence enforcement could be transferred to the enforcement states,¹⁰ and that Rwanda could be designated as such by the President.¹¹

14. At the Security Council meeting of 10 December 2025, Rwanda's representative reiterated that country's full readiness to assume responsibility for the enforcement of all remaining sentences on its territory and to bear all associated costs.¹²
15. As per the Practice Direction, the **President designates the enforcement State on the basis of information and any supplemental inquiry ordered.**¹³ The Petitioner submits that this framework does not override the President's **broader obligation — and authority — to ensure that convicted persons are not transferred to States where they face a real risk of irreparable harm.**

A. Compelling Humanitarian Considerations: the Legal Impossibility of Serving the Balance of the Sentence in Rwanda

16. The Petitioner formally and categorically opposes any transfer of his sentence supervision to the Republic of Rwanda. This opposition is not tactical; it flows from the **well-founded and documented fear for his life.**
17. As the Petitioner has stated in his separate ex-parte Witness Protection Request filed on June 10, 2026 pursuant to Rule 86(A) of the RPE:¹⁴ [REDACTED]
[REDACTED]

¹⁰ Security Council Report, 1 December 2025, S/2025/786

¹¹ *SG Report*, para. 32.

¹² *Security Council Meeting*, S/PV.10059.

¹³ PD on the Procedure for the Designation of the State in which a Convicted Person shall serve his/her Sentence of Imprisonment, MICT/2/Rev.2, in force since 7 May 2025, Art. 5.

¹⁴ Motion for Witness Protection pursuant to Rule 86A of the RPE, filed concurrently.

¹⁵ [REDACTED]

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18. During his own trial before the ICTR, the Petitioner again testified regarding crimes committed by RPF soldiers in Kigali.¹⁶ **He is, in short, a witness whose testimony is directly averse to the interests of the government that now seeks to take custody of him.** As such, a transfer to Rwanda would expose the Petitioner to **irreversible harm and deprive him forever of the right to seek revision** of his judgment under the Statute.
19. **The risk this poses is not speculative.** As Ms. Carla Del Ponte documented in detail in her published memoirs — corroborated by the testimonies of multiple independent witnesses and investigators — the Kagame regime went to extraordinary lengths to suppress investigations into RPF crimes and to neutralize those who participated in or cooperated with such investigations.¹⁷ **The Petitioner is precisely the type of witness the current Rwandan authorities would have every interest in silencing.** The manner in which Gacaca proceedings were conducted against him without notice or an opportunity to present a defense,¹⁸ followed by the sale of his real property at a sham auction, confirm Rwanda's **conflict of interests** in now serving as sentence enforcement state specifically for Rwandan convicted persons.
20. Moreover, a transfer to Rwanda would **permanently deprive the Petitioner of his right**, guaranteed under the Statute, to seek revision of his judgment should new facts — including witness testimony — come to light. **It would destroy any practical capacity to exercise that right.**
21. Furthermore, a transfer to Rwanda would also **violate his rights as a prisoner to maintain ties with his family as his relatives are also at risk of facing retaliatory measures** — and put their lives in great danger — if they attempt to visit Rwanda. As such, his **hopes of ever seeing his family again after a transfer to Rwanda would vanish.**

¹⁶ *The Prosecutor v. Théoneste Bagosora et al.*, Case No. ICTR-98-41-T, T. 25/09/2006, p. 34-68. *See also The Prosecutor v. Théoneste Bagosora et al.*, Case No. ICTR-98-41-T, Judgement and Sentence, 18 December 2008 (“*Trial Judgement*”), paras. 1987 to 2001 and para. 2113.

¹⁷ Carla Del Ponte with Chuck Sudetic, *La traque, les criminels de guerre et moi*, Éditions Héloïse d’Ormesson, 2009, p. 372. *See also*, the matter of the unlawful and extra-judiciary detention of Mr. Erlinder, former lead counsel for Mr. Ntabakuze, between May 28 and June 18, 2010, which forced him to abandon the Petitioner’s representation.

¹⁸ Letter from Aloys Ntabakuze to Mme MUKANTAGANZWA Domitilla, transmitted via ICTR, 12 December 2011; no response was received.

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22. **The consequences of a transfer to Rwanda would be irreversible, and therefore incompatible with humanitarian principles and the respect of basic dignity.**¹⁹

B. Demonstrated Rehabilitation

23. This petition incorporates by reference the Petitioner's full rehabilitation record, including the Petitioner's public personal statement and supporting affidavits gathered for the prior petition. The Petitioner highlights the following elements in particular:

(i) *Continuous Exemplary Conduct and Zero Disciplinary Record*

24. Throughout nearly twenty-nine years of detention — first at the UNDF in Arusha and then at Akpro-Misséré Prison in Benin — the Petitioner has maintained a flawless disciplinary record. Prison authorities and staff have consistently attested to his positive attitude, his role as a stabilizing presence among inmates, and his constructive engagement with the prison administration.

(ii) *Community Service and Contribution to Fellow Inmates*

25. The Petitioner has repeatedly placed his skills at the service of his fellow inmates and the prison administration (taught computer literacy, managed the prison library, Nutrition and Hygiene commission member, developed a sentence tracking system for common-law prisoners' sentence records) - contributions the administration has formally attested to.

(iii) *Acceptance of Responsibility and Genuine Remorse*

26. The Petitioner has expressed, on multiple occasions and in public, his deep sorrow for the crimes of which he was convicted and his acceptance of responsibility for the failure to prevent or punish acts committed by soldiers under his command. **This commitment to reconciliation has remained constant throughout his incarceration and is reflected in his public personal statement filed with his prior petition.**
27. The Petitioner understands that the prior President found the gravity of the crimes to be a dominant factor at the time of the May 2022 Decision. He respectfully submits that this finding did not operate as a permanent bar to relief, and that **the additional years**

¹⁹*Ntawukulilyayo Decision*, para. 65: "[T]he detention of [the convicted person], in the particular circumstances of the case, is incompatible with humanitarian principles and the respect of basic dignity."

of rehabilitation since that decision — combined with the exceptional new circumstances described in this petition — change the calculus in material and decisive respects.

(iv) Ties to Family and Reintegration Plan

28. The Petitioner is the widower of Béatrice Nyirabacuruzi, who passed away in December 2011, and the father of 3 adult children and 9 grandchildren, all [REDACTED] citizens and residents. His children have confirmed via notarized undertakings that they'd provide accommodation, financial support, and care upon his release. Furthermore, host families in Benin have committed via notarized undertakings to provide accommodation and support during the transition. The Republic of Benin has issued him a **residency card – which was recently renewed - authorizing his temporary stay upon release**, consistent with the applicable Agreement between the United Nations and the Republic of Benin.

(v) Petitioner's Declining Health

29. While Petitioner does not have any terminal illness, his medical record on file with the prison can attest that he has been experiencing increasingly severe medical issues, namely [REDACTED]

. He is under treatment and medications but is concerned for his health given the limited access to specialized care and his advancing age.

30. Against this backdrop, the Petitioner respectfully submits that the combination of: (i) an institutional closure whose end-date is **imminent**; (ii) the risk of **irreparable harm** that would result from a transfer to Rwanda; (iii) the absence of genuine efforts to work with any *other* willing and appropriate enforcement State for the transfer of enforcement responsibilities; and (iv) the Petitioner having served over 82% of his sentence with consistent exemplary conduct, constitutes exceptional circumstances within the meaning of the Practice Direction that independently and compellingly warrant the granting of early release at this time.

C. Treatment of Similarly Situated Prisoners and Applicable Jurisprudence

31. In his Decision of 19 January 2019, then-President Meron granted early release to Mr. Aloys Simba.²⁰ In so doing, President Meron confirmed that **early release does not require an express admission of guilt, that rehabilitation is assessed holistically and progressively**, and that the Practice Direction contemplates conditional release rather than categorical denial as the appropriate response where **certain rehabilitation indicators are met**.
32. Security Council Resolution 2422 (2018) expressly **encourage[d] the Mechanism to work towards a satisfactory resolution of cases, in particular by “considering an appropriate solution, including by considering putting in place conditions on early release in appropriate cases.”**²¹ The Petitioner submits that his case, in light of the circumstances presented herein, is **precisely the type of case the Security Council had in mind**.
33. The Petitioner further draws the President’s attention to the Decision of 18 February 2026 in *The Prosecutor v. Ntawukulilyayo*,²² in which this President confirmed that the **analysis of early release must account for the totality of circumstances** — including **whether continued detention can be maintained consistent with the convicted person’s dignity and fundamental rights** — and granted early release accordingly. The Petitioner respectfully submits that the totality of his own circumstances, including the **critical need for witness protection in case of transfer and the absence of a safe enforcement alternative**, compels no less.

V. PRACTICAL ARRANGEMENTS

34. The Petitioner acknowledges that early release may be granted subject to conditions pursuant to Paragraph 20 of the Practice Direction.²³ He undertakes in advance to comply fully with any conditions the President deems appropriate, including restrictions on public communications, reporting obligations to the Registry, and conditions

²⁰The Prosecutor v. Aloys Simba, Decision on Early Release, 19 January 2019 (President Meron) (“*Simba Decision*”).

²¹SC Res. 2422 (2018), 27 June 2018, para. 10. Encouragements reiterated in SC. Res. 2740 (2024), para. 15.

²³*Practice Direction*, para. 20: “An early release may be made subject to conditions.”

regarding place of residence. He further undertakes to cooperate fully with the Registrar and with the Republic of Benin in facilitating an orderly transition.

VI. CONCLUSION AND PRAYER FOR RELIEF

35. In light of the foregoing, Mr. Aloys Ntabakuze respectfully submits that he has demonstrated:

- (i) that he has been eligible for early release since 18 November 2020 and has now served approximately 82% of his 35-year sentence;
- (ii) that the imminent closure of the Mechanism leading to the very concrete option of a transfer to Rwanda constitutes an **exceptional and unprecedented circumstance compelling immediate relief**;
- (iii) that the only proposed alternative to early release — transfer to Rwanda — is **incompatible with the convicted person's fundamental rights and dignity, given the well-founded and documented fear that irreversible violations of his rights that would ensue**;
- (iv) that he has maintained an exemplary record of rehabilitation and conduct across nearly 29 years of detention; and
- (v) that **compelling humanitarian considerations**, assessed in light of the totality of his circumstances, weigh decisively in favour of early release.

36. In light of the foregoing, the Petitioner respectfully prays that the Honourable President of the International Residual Mechanism for Criminal Tribunals:

- (i) **GRANT** this Petition for early release forthwith;
- (ii) **ORDER** the Registrar to take all necessary measures to facilitate the Petitioner's release and his temporary residence in the Republic of Benin pending resettlement in [REDACTED] and
- (iii) **IMPOSE** such conditions on the Petitioner's early release as the President deems appropriate, which the Petitioner undertakes to respect in their entirety.

Respectfully submitted,



Sandrine Gaillot, Esq.

Pro Bono Counsel for Mr. Aloys Ntabakuze

[2873 words]

LIST OF ANNEXES

Annex A — Personal Statement – *incorporated by reference to the November 19, 2020 Motion for Early Release filed by Mr. Ntabakuze*

Annex B — Family Support [REDACTED] - *incorporated by reference to the November 19, 2020 Motion for Early Release filed by Mr. Ntabakuze*

1. Notarized undertaking of Petitioner's daughter [REDACTED]
2. Notarized undertaking of Petitioner's son [REDACTED]
3. Notarized undertaking of Petitioner's second daughter [REDACTED]
4. Evidence of property ownership in [REDACTED]

Annex D — Extended Family Support - *incorporated by reference to the November 19, 2020 Motion for Early Release filed by Mr. Ntabakuze*

1. Affidavits of extended family members (Europe/North America)

Annex E — Host Family Support (Benin) - *incorporated by reference to the November 19, 2020 Motion for Early Release filed by Mr. Ntabakuze*

1. Notarized undertaking, Host Family 1
2. Notarized undertaking, Host Family 2
3. Personal affidavit, Petitioner's friend in Benin

Annex F — Prison Conduct and Rehabilitation - *incorporated by reference to the November 19, 2020 Motion for Early Release filed by Mr. Ntabakuze*

1. Attestation from Prison Administration (sentence tracking contribution, computer literacy program)
2. Six Affidavits from prison staff and fellow inmates
3. Prison Administration Note de Service re: library management appointment (2014)

Annex G — Resettlement

1. Benin Residency Card issued to Petitioner

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ANNEX G**1. Benin Residency Card issued to Petitioner**

[REDACTED]



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I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

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