

UNITED
NATIONS



International Residual Mechanism for
Criminal Tribunals

Case no.: MICT-13-59-ES

Date: 28 October 2025

Original: French

BEFORE THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr Abubacarr M. Tambadou

Date of filing: 28 October 2025

THE PROSECUTOR

v.

GRÉGOIRE NDAHIMANA

PUBLIC DOCUMENT

**PUBLIC REDACTED VERSION OF
“GRÉGOIRE NDAHIMANA’S APPLICATION FOR LEGAL AID”**

Counsel for Grégoire Ndahimana:

Mr Mayombo Kassongo

Office of the Prosecutor:

Mr Serge Brammertz

I. INTRODUCTION

1. This application is being submitted by the applicant, Mr Grégoire Ndahimana, in order to request the granting of legal aid, with a view to preparing and submitting an application for early release. This aid is being requested in keeping with the provisions of the Statute and the Practice Direction of the International Residual Mechanism for Criminal Tribunals (“Mechanism”).
2. This application is justified by exceptional circumstances and by the need to guarantee procedural fairness.

II. PROCEDURAL HISTORY

3. On 16 December 2013, the Appeals Chamber of the International Criminal Tribunal for Rwanda affirmed Mr Grégoire Ndahimana’s conviction and increased his sentence to twenty five (25) years’ imprisonment.
4. Pursuant to the agreement between the United Nations and the Republic of Benin on the enforcement of sentences pronounced by the ICTR, Mr Ndahimana was transferred to the *Prison Civile de Missérété* where he is currently serving his sentence.¹

III. SUBMISSIONS

5. On 12 August 2025, the applicant will have served two thirds of his sentence, the threshold required by the Mechanism’s Practice Direction for consideration of an application for early release.
6. He is [REDACTED] years old and, although in relatively good health, is currently undergoing medical treatment in prison.
7. Since his imprisonment in the *prison civile* in Benin, Mr Ndahimana has never been the subject of a disciplinary penalty. His conduct is irreproachable and he cooperates with the prison administration.
8. Two of his children, [REDACTED], are prepared to take him in. One of them is resident [REDACTED] and the other [REDACTED]. Another family member who resides in [REDACTED] is currently serving his sentence, is fully prepared to provide him with a stable framework for reintegration. This family support guarantees a solid plan for social reintegration.

¹ *The Prosecutor v. Grégoire Ndahimana*, ICTR Appeals Chamber Judgement of 16 December 2013, affirming guilt and the sentence of twenty five years’ imprisonment.

² Agreement between the UN and the Republic of Benin on the enforcement of sentences, governing the transfer and detention of the persons convicted by the ICTR at the *prison civile* in Benin.

³ Law no. 2022-19 of 19 October 2022, amending and supplementing Law 2012-15 of 18 March 2013 on the Code of Criminal Procedure.

⁴ Statute of the International Residual Mechanism for Criminal Tribunals, adopted by United Nations Security Council Resolution 1966 (2010), in particular Article 19 guaranteeing appropriate representation.

9. Under Beninese law, early release is provided for pursuant to Article 810-1 of Law no. 2022-19 of 19 October 2022 for persons who have served a substantial part of their sentence and who provide guarantees of reintegration. Mr Ndahimana meets these criteria.
10. Early release proceedings entail extensive research, the collection and submission of evidence relevant to the proceedings, the drafting of arguments and the translation of documents.
11. A prison visit is required to enable Counsel to prepare the defence, receive Mr Ndahimana's instructions, note his conditions of detention and organise the production of the documents required. This visit entails costs for travel and logistical organisation.
12. Mr Ndahimana has signed a statement, attached to this application, confirming that he has no personal financial resources. He does not receive any external financial support.
13. To date, he has been represented *pro bono*. However, the due diligence demanded by an application for early release, both legally and logistically, exceeds the capacity of a *pro bono* defence.

IV. REASONABLE PROSPECT OF SUCCESS OF THE FUTURE APPLICATION

14. The application for early release which the applicant intends to submit is based on solid grounds: in legal terms, he will be eligible for this application on 12 August 2025; his behaviour in detention has been exemplary; he has a solid family framework for his reintegration and he does not present any danger upon his release.

V. CONCLUSION

15. For all the foregoing reasons, due to the complexity of proceedings and in order to guarantee procedural fairness, Defence Counsel respectfully asks the President of the Mechanism to:
16. Admit the application and order the granting of the requested legal aid to Grégoire Ndahimana.

Date: 28 October 2025

Mayombo Kassongo
Counsel for Grégoire Ndahimana

/signed/

Number of words /in the original/: 924

CONFIDENTIAL ANNEXES

The documents in the annexes to the application for legal aid comprise:

- **Annex 1:** Mr Grégoire Ndahimana's statement in which he swears on his honour that he has no personal financial resources or any external support.
This statement is part of the proceedings for early release that he envisages. To date, his defence has been provided *pro bono*. However, due to the complexity of proceedings and in order to guarantee the equality of arms, legal aid, paid for by the Mechanism, is needed.
- **Annex 2:** [REDACTED]

ANNEX 1

/photograph of handwritten document:

Grégoire NDAHIMANA, MICT Prisoner
Prison Civile d'Akpro-Missérété
REPUBLIC OF BENIN

Akpro-Missérété, 18 June 2025

Re: Declaration of Indigence

I, the undersigned Grégoire Ndahimana, hereby swear on my honour that I do not have any personal financial resources whatsoever and that I do not receive any financial support from anywhere else.

Due to this, I am unable to ensure coverage of defence-related costs and therefore request that I be granted legal aid in order to guarantee that my fundamental rights are respected.

Done in Missérété, 18 June 2025.

Grégoire NDAHIMANA /signed//

ANNEX 2

[REDACTED]