

UNITED
NATIONS



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-12-15-ES.1

Date: 12 January 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: **Judge Graciela Gatti Santana, President**
Registrar: **Mr. Abubacarr M. Tambadou**
Decision of: **12 January 2026**

PROSECUTOR

v.

ALFRED MUSEMA

PUBLIC REDACTED

**DECISION ON THE APPLICATION
FOR EARLY RELEASE OF ALFRED MUSEMA**

Counsel for Mr. Alfred Musema:

Mr. Steven Kay
Ms. Gillian Higgins

Republic of Benin

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively), am seised of a direct petition for early release filed Mr. Alfred Musema (“Musema”) on 14 January 2025.¹

I. BACKGROUND

2. On 11 February 1995, Musema was arrested in the Swiss Confederation (“Switzerland”) and, on 20 May 1997, was transferred to the International Criminal Tribunal for Rwanda (“ICTR”).² At his initial appearance on 18 November 1997, Musema pleaded not guilty to all charges.³

3. On 27 January 2000, Trial Chamber I of the ICTR (“Trial Chamber”) convicted Musema, pursuant to Articles 6(1) and 6(3) of the Statute of the ICTR (“ICTR Statute”), of genocide, and extermination and rape as crimes against humanity, and sentenced him to life imprisonment.⁴

4. On 16 November 2001, the Appeals Chamber of the ICTR (“Appeals Chamber”) quashed the conviction of rape as a crime against humanity but affirmed the remaining convictions and the sentence of life imprisonment.⁵

5. On 9 December 2001, Musema was transferred to the Republic of Mali (“Mali”) to serve his sentence.⁶ Subsequently, on 19 December 2018, Musema was transferred to the Republic of Benin (“Benin”) where he is currently serving the remainder of his sentence.⁷

6. On 7 August 2019, my predecessor denied Musema’s first application for early release on the basis that he was not yet eligible to be considered for early release and had not demonstrated any compelling or exceptional circumstances that would warrant granting him release before he had served two-thirds of his sentence.⁸ On 10 January 2020, Musema’s request for reconsideration of the Decision of 7 August 2019 was also denied.⁹

¹ Application for Early Release of Alfred Musema, 14 January 2025 (public with confidential and *ex parte* Annex C) (“Application”).

² *Prosecutor v. Alfred Musema*, Case No. ICTR-96-13-T, Judgement and Sentence, 27 January 2000 (“Trial Judgement”), paras. 17-18.

³ Trial Judgement, para. 21.

⁴ Trial Judgement, p. 285.

⁵ *Prosecutor v. Alfred Musema*, Case No. ICTR-96-13-A, Judgement, 16 November 2001 (“Appeal Judgement”), para. 399, p. 133.

⁶ See ICTR Press Release, Former Prime Minister and Five Other Convicts Sent to Prison in Mali, 11 December 2001, available at: <http://unictr.irmct.org/en/news/former-prime-minister-and-five-other-convicts-sent-prison-mali>; *Prosecutor v. Alfred Musema*, Case No. ICTR-96-13-T, Order Designating the State in Which Alfred Musema is to Serve his Prison Sentence, 3 December 2001 (confidential), p. 3. See also Decision on the Application of Alfred Musema Related to Early Release, 7 August 2019 (“Decision of 7 August 2019”), p. 1.

⁷ See Order Designating State in Which Alfred Musema is to Serve the Remainder of his Sentence, 19 December 2018, p. 2.

⁸ Decision of 7 August 2019, pp. 4-5.

⁹ Decision on the Request for Reconsideration of the Decision Denying Early Release, 10 January 2020, p. 3.

II. APPLICATION

7. On 14 January 2025, Musema filed the Application, in which he requests to be granted early release and indicates that, if released early, he would reside in Switzerland.¹⁰ The Application is accompanied by: (i) Musema’s personal statement;¹¹ (ii) a letter, dated 26 November 2003, from convicted persons who at the time were serving their sentences in Mali to the then-President and then-Registrar of the ICTR, requesting improvement of the detention conditions; (iii) a letter from Musema to the prison authorities in Mali, dated 11 June 2009, and two letters from Musema to the Registrar of the Mechanism (“Registrar”), dated 12 February 2020 and 3 November 2020, requesting that professional courses and rehabilitation programmes be made available to assist his social re-integration; (iv) a letter from Musema’s Counsel to the Registry of the Mechanism (“Registry”), dated 6 February 2024, requesting information about available rehabilitation programmes in Benin and the Registry’s response, dated 13 May 2024; and (v) eight letters in support of Musema’s early release from family and friends.¹²

8. On 21 January 2025, I requested that the Registry, *inter alia*, obtain, as soon as possible, certain information pursuant to paragraphs 10(a) through 10(c), as well as paragraph 10(g), of the applicable Practice Direction.¹³

9. On 2 April 2025, I requested, pursuant to paragraph 10(e) of the Practice Direction, that the Office of the Prosecutor of the Mechanism (“Prosecution”) provide a detailed report on any co-operation of Musema with it or the Prosecution of the ICTR and the significance thereof, as well as any other comments or information that the Prosecution considers of relevance for the determination of the Application.¹⁴

10. On 9 April 2025, the Registrar provided me with a strictly confidential memorandum from the Witness Support and Protection Unit of the Mechanism (“WISP”), conveying information

¹⁰ Application, paras. 1, 25, 28. Musema submits that he has liaised with relevant national authorities of Switzerland but has not received any response. *See also* Application, para. 25; Submissions on Behalf of Alfred Musema Pursuant to Paragraphs 13 and 18 of the Practice Direction on Early Release, 29 October 2025 (public with confidential Annexes A and B) (“Comments”), para. 25. In his interactions with the prison authorities of Benin, Musema indicated that, if he cannot be released to Switzerland, he wishes to stay in Benin. *See* Email communication from the Office of the Registrar to the Office of the President, dated 8 September 2025, *transmitting, inter alia*, a “Morality and Conduct Report” from the prison director, date illegible (“Behavioural Report”), p. 1.

¹¹ Application, Annex A (“Personal Statement”).

¹² Application, Annexes B-D.

¹³ Internal Memorandum from the President to the Registrar, dated 21 January 2025 (confidential), paras. 3-5. *See* Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, or Early Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism, MICT/3/Rev.4, 1 July 2024 (“Practice Direction”).

¹⁴ Internal Memorandum from the President to the Prosecutor, dated 2 April 2025 (confidential), para. 2.

concerning the victims of the crimes for which Musema was convicted and who testified in his case.¹⁵ The Registrar also informed me that, despite the Registry's multiple efforts to follow up with the Beninese authorities, they had not yet provided the requested information, and no views had been received from any of the 14 victims' associations that were contacted regarding the Application.¹⁶

11. On 28 April 2025, I received a memorandum from the Prosecutor of the Mechanism ("Prosecutor") providing comments and information in relation to the Application.¹⁷

12. On 8 September 2025, the Registry provided my Office with the requested information from the Beninese authorities.¹⁸

13. On 12 September 2025, I asked the Registrar, in accordance with paragraph 12 of the Practice Direction, to communicate to Musema, in a language that he understands, selected material collected in the context of the Application.¹⁹ The material was sent to Musema on 18 September 2025.²⁰

14. On 29 October 2025, having been granted an extension of time,²¹ Musema filed his submissions regarding the material transmitted to him in relation to the Application.²²

15. Since no Judge of the sentencing Chambers is a Judge of the Mechanism,²³ I consulted with Judge William H. Sekule and Judge Mustapha El Baaj with regard to the Application, in line with Rule 150 of the Rules of Procedure and Evidence of the Mechanism ("Rules") and paragraph 16 of the Practice Direction.

III. APPLICABLE LAW

16. According to Article 25(2) of the Statute of the Mechanism ("Statute"), the Mechanism supervises the enforcement of sentences pronounced by the ICTR, the International Criminal Tribunal for the former Yugoslavia ("ICTY"), or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States.

¹⁵ Internal Memorandum from the Registrar to the President, dated 9 April 2025 (confidential) ("Registrar's Memorandum of 9 April 2025"), *transmitting, inter alia*, Internal Memorandum from the Legal Officer and Officer-in-Charge of WISP, Arusha branch, to the Registrar, dated 9 April 2025 (strictly confidential) ("WISP Memorandum").

¹⁶ Registrar's Memorandum of 9 April 2025, paras. 5-7.

¹⁷ Internal Memorandum from the Prosecutor to the President, dated 28 April 2025 (confidential) ("Prosecution Memorandum").

¹⁸ Email communication from the Office of the Registrar to the Office of the President, dated 8 September 2025, *transmitting*: (i) a medical report from the prison physician, dated 7 July 2025 ("Medical Report") and related attachments; (ii) the Behavioural Report; and (iii) a psychological examination report prepared by the prison psychological support service, dated 20 June 2025 ("Psychological Report").

¹⁹ Internal Memorandum from the President to the Registrar, dated 12 September 2025 (confidential), para. 1.

²⁰ Internal Memorandum from the Registrar to the President, dated 18 September 2025 (confidential), para. 2.

²¹ Decision on Alfred Musema's Request for Extension of Time to File Written Submissions, 1 October 2025, p. 2.

²² See Comments.

²³ See generally Trial Judgement; Appeal Judgement.

17. Pursuant to Article 26 of the Statute, there shall only be pardon or commutation of sentence if the President so decides on the basis of the interests of justice and the general principles of law. While Article 26 of the Statute, like the equivalent provisions in the Statutes of the ICTR and the ICTY, does not specifically mention requests for early release of convicted persons, the Rules reflect the President's power to adjudicate such requests, which is also consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism.

18. Rule 150 of the Rules provides that the President shall, upon receipt of a direct petition from the convicted person, determine whether pardon, commutation of sentence, or early release is appropriate, in consultation with: (i) any Judges of the sentencing Chamber who are Judges of the Mechanism; or (ii) at least two other Judges, if none of the Judges who imposed the sentence are Judges of the Mechanism.

19. The general standards for granting early release are set out in Rule 151 of the Rules, which states that, in making a determination on pardon, commutation of sentence, or early release, the President shall take into account, *inter alia*, the gravity of the crime or crimes for which the prisoner was convicted, the treatment of similarly-situated prisoners, the prisoner's demonstration of rehabilitation, and any substantial cooperation of the prisoner with the Prosecution.

20. Paragraph 5 of the Practice Direction provides that a convicted person may apply directly to the President for pardon, commutation of sentence, or early release, if he or she believes that he or she is eligible.

21. Paragraph 10 of the Practice Direction indicates that the President may collect, directly or through the Registry, information which he or she considers relevant to the determination of whether pardon, commutation of sentence, or early release is appropriate. Paragraph 12 of the Practice Direction provides that, once all information requested has been received, the President shall communicate, directly or through the Registry, relevant information to the convicted person in a language that he or she understands. Paragraph 13 of the Practice Direction states that the convicted person shall then be given 14 days to examine the information, following which he or she may provide any written submissions in response.

22. Paragraph 19 of the Practice Direction specifies that the President shall determine whether early release is to be granted on the basis of the interests of justice and the general principles of law, having regard to the criteria specified in Rule 151 of the Rules, and any other information, as well as the views of the Judges consulted in accordance with Rule 150 of the Rules. Paragraph 20 of the Practice Direction mentions that, if early release is granted, it may be subject to conditions.

23. The enforcement agreement between the United Nations and Benin²⁴ provides in Article 3(2) that the conditions of imprisonment shall be governed by the law of Benin, subject to the supervision of the Mechanism. It further states in Article 8(5), *inter alia*, that there shall only be commutation of sentence, pardon or early release if the President so decides on the basis of the interests of justice and the general principles of law.

IV. ANALYSIS

A. Preliminary Issue

24. At the outset, I note that Musema submits that, because of the seizure of his case materials and electronic equipment by the Beninese prison authorities in August 2024, his ability to present a full and comprehensive application for early release has been irreparably damaged.²⁵ In particular, he has been unable to provide his health records or detailed information concerning his requests for rehabilitation programmes and his participation in certain prison projects, to which he refers in support of the Application, in order to demonstrate his rehabilitation over the past 30 years.²⁶

25. In the context of the above-mentioned seizure of electronic devices, I recall that, on 12 November 2025, I considered that, on the basis of the information before me, the Registrar and the Beninese authorities have established an acceptable arrangement that ensures access by the convicted persons serving their sentences in Benin to their data on the seized devices.²⁷ In any event, I note that the information received from the Beninese authorities concerning Musema's health largely confirms his own submissions in this regard.²⁸ In addition, it is unnecessary to receive evidence of Musema's participation in the specific prison projects, which do not relate directly to his rehabilitation for the purpose of early release, or of additional requests to attend rehabilitation programmes, as they would not have impacted on my conclusion about his rehabilitation.²⁹

B. Eligibility

26. Previous decisions have determined that all convicted persons serving a sentence under the Mechanism's supervision are eligible to be considered for early release upon having served two-thirds of their sentence, irrespective of: (i) whether the person was convicted by the ICTR, the ICTY,

²⁴ Agreement Between the United Nations and the Government of the Republic of Benin on the Enforcement of Sentences Pronounced by the International Criminal Tribunal for Rwanda or the International Residual Mechanism for Criminal Tribunals, 12 May 2017.

²⁵ Application, para. 3.

²⁶ Application, paras. 3, 8, 10, 21. *See also* Comments, para. 19.

²⁷ *Prosecutor v. Jean-Paul Akayesu et al.*, Case No. MICT-25-134, Order Terminating Reporting Regime in Relation to the Seizure of Electronic Devices, 12 November 2025, p. 2.

²⁸ *See infra* paras. 73-74.

²⁹ *See infra* paras. 46, 49, 53, 56-57, 61.

or the Mechanism; (ii) where the sentence is being served; and (iii) whether the matter is brought before the President through a direct petition by the convicted person or a notification from the relevant enforcement State.³⁰ Further, serving two-thirds of a sentence has been described by the Mechanism's jurisprudence as being "in essence, an admissibility threshold".³¹

27. I recall that Musema was sentenced to life imprisonment³² and that his eligibility threshold was judicially determined to be after 11 February 2025, on the basis of treating life imprisonment as equivalent to a sentence of more than 45 years, which was the highest fixed-term sentence at the time.³³ Despite the fact that a higher sentence of 47 years was subsequently imposed by the ICTR, I consider it appropriate to apply to Musema the eligibility threshold that has already been judicially determined for him.³⁴ Accordingly, Musema has served two-thirds of his sentence as of February 2025 and is therefore eligible to be considered for early release.

C. General Standards for Granting Early Release

28. According to the Mechanism's jurisprudence, a convicted person having served two-thirds of his or her sentence shall be merely eligible to be considered for early release and not entitled to such release.³⁵ Against this backdrop, it is therefore necessary for me, in determining whether early release is appropriate, to analyse and consider the convicted person's current situation, taking into account the non-exhaustive list of factors set out in Rule 151 of the Rules.³⁶ The mere passage of time cannot constitute sufficient grounds for early release.³⁷

³⁰ *Prosecutor v. Goran Jelisić*, Case No. MICT-14-63-ES, Decision on the Application for Early Release of Goran Jelisić, 13 August 2025 (public redacted) ("Jelisić Decision"), para. 30; *Prosecutor v. Mićo Stanišić*, Case No. MICT-13-53-ES.2, Decision on the Application for Early Release of Mićo Stanišić, 17 July 2025 (public redacted) ("Stanišić Decision"), para. 29; *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Early Release of Radislav Krstić, 10 September 2019 (public redacted), paras. 16, 18.

³¹ *Jelisić Decision*, para. 30; *Stanišić Decision*, para. 29; *Prosecutor v. Paul Bisengimana*, Case No. MICT-12-07, Decision of the President on Early Release of Paul Bisengimana and on Motion to File a Public Redacted Application, 11 December 2012 (public redacted) ("Bisengimana Decision"), para. 19.

³² See *supra* paras. 3-4.

³³ Decision of 7 August 2019, p. 4. I observe in this regard that Musema has been convicted to life imprisonment and not a sentence of 45 years, as indicated in the Behavioural Report. See Behavioural Report, p. 1.

³⁴ See Decision of 7 August 2019, p. 4.

³⁵ *Prosecutor v. Bruno Stojić*, Case No. MICT-17-112-ES.3, Decision on the Application for Early Release of Bruno Stojić, 3 November 2025 (public redacted) ("Stojić Decision of 3 November 2025"), para. 23; *Jelisić Decision*, para. 32; *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Decision on the Early Release of Stanislav Galić, 26 June 2019 (public redacted), para. 24.

³⁶ *Stojić Decision of 3 November 2025*, para. 23; *Jelisić Decision*, para. 32; *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 15 November 2022 ("Krstić Decision of 15 November 2022"), para. 32.

³⁷ *Stojić Decision of 3 November 2025*, para. 23; *Jelisić Decision*, para. 32; *Prosecutor v. Bruno Stojić*, Case No. MICT-17-112-ES.3, Decision on the Application for Early Release of Bruno Stojić, 17 January 2024 (public redacted), para. 100.

1. Gravity of Crimes

29. In my opinion, the early release of persons convicted by the ICTR, the ICTY, or the Mechanism for genocide, crimes against humanity, or war crimes should be exceptional.³⁸

30. In relation to the gravity of crimes, past decisions have established that: (i) as a general rule, a sentence should be served in full given the gravity of the crimes within the jurisdiction of the ICTR, the ICTY, and the Mechanism, unless it can be demonstrated that a convicted person should be granted early release; (ii) while the gravity of the crimes is not the only factor in assessing an early release application pursuant to Rule 151 of the Rules, it is nevertheless a factor of fundamental importance; (iii) the graver the criminal conduct in question, the more compelling a demonstration of rehabilitation should be; and (iv) while the gravity of the crimes cannot be seen as depriving a convicted person of an opportunity to argue his or her case, it may be said to determine the threshold that the arguments in favour of early release must reach.³⁹

31. As set out above, Musema was found guilty pursuant to two modes of responsibility of the crime of genocide and the crime of extermination as a crime against humanity, and was sentenced to life imprisonment.⁴⁰ In particular, Musema was found criminally responsible under: (i) Article 6(1) of the ICTR Statute for having committed, ordered and, by his presence and his participation, aided and abetted in the murder of, and in causing serious bodily and mental harm to, members of the Tutsi ethnic group;⁴¹ and (ii) Article 6(3) of the ICTR Statute for the acts committed by employees who participated in the attacks and over whom Musema had both *de jure* and *de facto* power.⁴²

32. The Trial Chamber considered as especially aggravating that Musema participated knowingly and consciously in the commission of crimes in several locations in April and May 1994, personally led, on certain occasions, attackers who killed a large number of Tutsi refugees, and never showed remorse for his personal role in these attacks.⁴³ This was also highlighted by the Appeals Chamber in its consideration of Musema's sentencing.⁴⁴ Specifically, Musema was found to have: (i) been among the leaders of the attacks at Gitwa Hill on 26 April 1994, at Muyira Hill on 13 and 14 May 1994, as well as another attack in mid-May at the same location, during which thousands of Tutsi refugees

³⁸ *Jelisić* Decision, para. 33; *Stanišić* Decision, para. 32; *Krstić* Decision of 15 November 2022, para. 33.

³⁹ *Jelisić* Decision, para. 34; *Stanišić* Decision, para. 33; *Prosecutor v. Radivoje Miletić*, Case No. MICT-15-85-ES.5, Decision on the Early Release of Radivoje Miletić, 5 May 2021 ("Miletić Decision"), para. 39.

⁴⁰ See *supra* paras. 3-4.

⁴¹ Trial Judgement, paras. 891, 897, 903, 912, 917, 922, 926, 951.

⁴² Trial Judgement, paras. 893-895, 898-901, 904-906, 913-915, 918-920, 923-925, 926, 949-951. See also Trial Judgement, para. 999; Appeal Judgement, para. 384.

⁴³ Trial Judgement, paras. 1001-1004, 1008.

⁴⁴ Appeal Judgement, paras. 384, 388, 390.

were killed;⁴⁵ and (ii) participated in attacks at Rwirambo Hill between 27 April and 3 May 1994, at Mumataba Hill in mid-May 1994, during which 2,000 to 3,000 Tutsi refugees were attacked, and at the Nyakavumu cave at the end of May 1994, during which over 300 Tutsi civilians died after the entry to the cave was closed off and set on fire in Musema's presence.⁴⁶ In almost all of these instances, Musema was armed and, on at least three occasions, he personally shot into the crowd of refugees.⁴⁷

33. In addition, both the Trial Chamber and the Appeals Chamber considered as aggravating the fact that Musema was perceived as "a figure of authority and as someone who wielded considerable power in the region" and therefore was in a position to take reasonable measures to help prevent the crimes which were committed by his subordinates, but did nothing to punish those under his control,⁴⁸ or prevent the employees of the tea factory that he directed from taking part in the attacks.⁴⁹ According to the Appeals Chamber, his influential role rendered his crimes of "utmost gravity".⁵⁰ Notably, the Appeals Chamber, in upholding the sentence of life imprisonment despite Musema's acquittal for rape as a crime against humanity on appeal, noted that the crimes with which Musema was charged are of such gravity that his acquittal on this count had no effect on his life sentence.⁵¹

34. Musema submits that, from the beginning of his trial, he admitted to the gravity of the crimes committed in Rwanda from 1 January to 31 December 1994, being the first detainee to acknowledge that a genocide has occurred in Rwanda.⁵² He also submits that the gravity of crimes is only one of the factors to be considered for the purpose of early release and can be compensated by other factors.⁵³

35. I consider that, in light of the findings reached by the Trial Chamber and the Appeals Chamber, there is no doubt that Musema's crimes are of very high gravity. Accordingly, I am of the view that this factor weighs strongly against his early release.

2. Treatment of Similarly-Situated Prisoners

36. When considering the treatment of similarly-situated prisoners, decisions on early release have emphasised that persons sentenced by the ICTR, like Musema, are considered "similarly-

⁴⁵ Trial Judgement, paras. 890, 901-902, 910-911, 945; Appeal Judgement, para. 388.

⁴⁶ Trial Judgement, paras. 896, 916, 921, 945; Appeal Judgement, para. 388.

⁴⁷ Trial Judgement, paras. 890, 896, 902, 910-911, 945, 1002.

⁴⁸ Trial Judgement, paras. 1003-1004; Appeal Judgement, paras. 384, 388. *See also* Trial Judgement, para. 932.

⁴⁹ Trial Judgement, para. 1002; Appeal Judgement, para. 388.

⁵⁰ Appeal Judgement, para. 384. *See also* Trial Judgement, para. 1001 (wherein the Trial Chamber characterises the offences for which Musema was convicted "extremely serious").

⁵¹ Appeal Judgement, para. 373.

⁵² Application, para. 6; Personal Statement, para. 12; Comments, para. 12.

⁵³ Comments, para. 10.

situated” to all other prisoners under the Mechanism’s supervision.⁵⁴ The eligibility threshold of having served two-thirds of the sentence applies to all convicted persons serving a sentence under the Mechanism’s supervision.⁵⁵

37. As previously noted, having passed this two-thirds threshold in February 2025, Musema is indeed eligible to be considered for early release.⁵⁶

38. I further note Musema’s submission that early release has been granted to persons who, like him, were convicted of grave crimes, including genocide and crimes against humanity, and who continue to maintain their innocence while condemning the crimes that took place during the 1994 Genocide against the Tutsi in Rwanda.⁵⁷ Musema also points to the fact that he has spent most of his adult life in prison, having served over 30 years of his sentence.⁵⁸

39. I recall in this regard that each case and each convicted person presents unique circumstances that must be considered on their own merits when determining whether early release is to be granted.⁵⁹ Therefore, once a person has been found to be eligible to be considered for early release, any comparison to other cases in the context of an early release application is not dispositive and likely inconsequential to my assessment.⁶⁰

3. Demonstration of Rehabilitation

40. A decision on whether to grant an early release application is taken by the President on the basis of the interests of justice and the general principles of law, having regard, *inter alia*, to the criteria specified in Rule 151 of the Rules.⁶¹ The prisoner’s demonstration of rehabilitation is just one factor to be considered when deciding upon such an application.⁶²

41. Before turning to an individualised assessment of Musema’s demonstration of rehabilitation, I note that the Mechanism’s jurisprudence expands upon certain elements pertaining to whether a

⁵⁴ *Jelisić* Decision, para. 39; *Stanišić* Decision, para. 41; *Bisengimana* Decision, paras. 16-17.

⁵⁵ See *supra* para. 26.

⁵⁶ See *supra* para. 27.

⁵⁷ Application, paras. 7, 16-17; Comments, para. 9. See also Comments, paras. 13-14.

⁵⁸ Application, para. 17; Comments, para. 14. See also Comments, para. 2.

⁵⁹ *Stanišić* Decision, para. 43; *Prosecutor v. Dragoljub Kunarac*, Case No. MICT-15-88-ES.1, Decision on the Application for Early Release of Dragoljub Kunarac, 22 July 2024 (“Kunarac Decision of 22 July 2024”), para. 43; *Miletić* Decision, para. 42.

⁶⁰ See *Stanišić* Decision, para. 43; *Kunarac* Decision of 22 July 2024, para. 43; *Prosecutor v. Dragoljub Kunarac*, Case No. MICT-15-88-ES.1, Decision on Dragoljub Kunarac’s Application for Early Release, 31 December 2020 (public redacted), para. 40.

⁶¹ See *supra* paras. 19, 22.

⁶² See *supra* para. 19.

convicted person has demonstrated rehabilitation under Rule 151 of the Rules, and I find it appropriate to set this out here.

42. A number of positive indicators of rehabilitation of persons convicted by the ICTR, the ICTY, or the Mechanism have been recognised and include: (i) the acceptance of responsibility for the crimes a person was convicted for or for actions which enabled the commission of the crimes; (ii) signs of critical reflection of the convicted person upon his or her crimes; (iii) public or private expressions of genuine remorse or regret; (iv) actions taken to foster reconciliation or seek forgiveness; (v) evidence that a convicted person has a positive attitude towards persons of other backgrounds, bearing in mind the discriminatory motive of some of the crimes; (vi) participation in rehabilitation programmes in prison; (vii) a convicted person's mental health status; and (viii) a positive assessment of a convicted person's prospects to successfully re integrate into society.⁶³ This is a non-exhaustive list and convicted persons are not expected to fulfil all of these indicators in order to demonstrate rehabilitation.⁶⁴

43. It falls upon the convicted person to demonstrate that sufficient progress has been made in his or her rehabilitation, and that granting release before the full sentence is served would be a responsible exercise of the President's discretion.⁶⁵ Given that genocide and crimes against humanity are among the gravest crimes known to humankind, it is not appropriate to view the rehabilitation of perpetrators of such crimes as one would view the rehabilitation of perpetrators of so-called ordinary crimes adjudicated at the national level.⁶⁶

44. Turning to the extent to which Musema has demonstrated rehabilitation, I consider that the most probative materials before me are the Application, the Personal Statement, the Comments, the Behavioural Report, and the Psychological Report.

⁶³ *Stojić* Decision of 3 November 2025, para. 27; *Jelisić* Decision, para. 43; *Prosecutor v. Miroslav Bralo*, Case No. MICT-14-78-ES, Decision on the Early Release of Miroslav Bralo, 31 December 2019 (public redacted) ("Bralo Decision of 31 December 2019"), para. 39 and references cited therein.

⁶⁴ *Stojić* Decision of 3 November 2025, para. 27; *Jelisić* Decision, para. 43; *Bralo* Decision of 31 December 2019, para. 39.

⁶⁵ *Stojić* Decision of 3 November 2025, para. 28; *Jelisić* Decision, para. 44; *Bralo* Decision of 31 December 2019, para. 39.

⁶⁶ *Stojić* Decision of 3 November 2025, para. 28; *Jelisić* Decision, para. 44; *Bralo* Decision of 31 December 2019, para. 38.

(a) Behaviour in Prison

45. Good behaviour in prison is the very minimum to be expected of a convicted person while serving his or her sentence.⁶⁷ In my opinion, such good behaviour cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.⁶⁸

46. Musema submits that he has an “exemplary record of good behaviour”, having been a quiet detainee, always respectful of the rules of detention and ready to provide assistance to others, which, in his view, is strong evidence of his rehabilitation.⁶⁹ He also expresses his commitment to engage in good social conduct and useful activities for the good of his community, referring to projects and trainings in which he participated while in prison.⁷⁰ Musema further submits that the Malian authorities consented to his early release in 2019 based, *inter alia*, on his good conduct in prison.⁷¹

47. The Beninese authorities report that Musema maintains very good relations with both his compatriots and prisoners of other nationalities, is “happy to help others”, and acts “with much enthusiasm” as the cashier for members of his community.⁷² According to the Beninese authorities, Musema complies with the rules, is open to dialogue, and is “sociable, calm, courteous and always cheerful, aspiring to another, better life than that in the prison”.⁷³

48. In the Comments, Musema highlights, *inter alia*, the information provided by the Beninese authorities about his positive attitude towards people from different backgrounds.⁷⁴

49. Based on the available information, Musema’s behaviour in prison has been very good and, as such, merits commendation. However, as set out above, good behaviour in prison cannot on its own demonstrate the rehabilitation of a person convicted of some of the most heinous international crimes.⁷⁵ It is therefore necessary to consider other elements, to which I now turn.

⁶⁷ *Stojic* Decision of 3 November 2025, para. 30; *Jelisić* Decision, para. 46; *Krstić* Decision of 15 November 2022, para. 49.

⁶⁸ *Stojic* Decision of 3 November 2025, para. 30; *Jelisić* Decision, para. 46; *Bralo* Decision of 31 December 2019, para. 38.

⁶⁹ Application, para. 14; Personal Statement, paras. 17, 24. *See also* Comments, para. 18; Personal Statement, paras. 18-19, 20, 22-25.

⁷⁰ Personal Statement, paras. 17-19, 21-25.

⁷¹ Application, para. 14.

⁷² Behavioural Report, p. 1.

⁷³ Behavioural Report, pp. 1-2.

⁷⁴ Comments, para. 18.

⁷⁵ *See supra* para. 45.

(b) Acceptance of Responsibility, Signs of Critical Reflection, and Expressions of Genuine Remorse or Regret

50. The Mechanism's jurisprudence has recognised that: (i) an important factor in assessing a convicted person's progress towards rehabilitation is the acceptance of responsibility for his or her crimes, even if this does not constitute a legal requirement to demonstrate rehabilitation and is not a precondition for early release; and (ii) a convicted person's partial acceptance of responsibility for his or her crimes will merit positive weight, however, any notable difference between the role a convicted person ascribes to himself or herself and the role actually played can suggest a lack of sufficient critical reflection upon his or her crimes.⁷⁶

51. Moreover, in my view, a statement made or referred to in support of an early release application should not be considered in isolation from its greater context.⁷⁷ The content of any such statement should be corroborated by positive actions taken by the convicted person, which indicate that he or she has critically reflected upon his or her crimes and is genuinely remorseful.⁷⁸ Tangible evidence of rehabilitation is indeed a crucial aspect, which helps to differentiate genuine expressions of remorse or regret from more opportunistic ones.⁷⁹

52. Musema submits that, while he has maintained his innocence for 30 years, his "clear acknowledgement of the genocide and the horrific crimes which took place in Rwanda in 1994" must be weighed in his favour, particularly as he was the first detainee to admit that genocide took place.⁸⁰ He also refers to the fact that his acknowledgement of the existence of the 1994 Genocide against the Tutsi in Rwanda was considered a mitigating circumstance by the Trial and Appeals Chambers, and that the admitted facts and statements he made in court had "beneficial impact" to the efficient administration of justice.⁸¹ In this regard, Musema states that:

"Within all my soul and conscience, publicly, I condemn [the] genocide perpetrated against the Tutsis in Rwanda as judicially noted by the ICTR. I fully empathise to [sic] the pain of survivors of the genocide perpetrated against the Tutsis and bow before the memory of those victims who died and their relatives. I join with men and women who support law and justice so that the cannons of hatred

⁷⁶ *Stojić* Decision of 3 November 2025, para. 35; *Jelisić* Decision, para. 51; *Prosecutor v. Vlastimir Đorđević*, Case No. MICT-14-76-ES, Decision on the Applications for Early Release of Vlastimir Đorđević, 30 November 2021 (public redacted), para. 70.

⁷⁷ *Stojić* Decision of 3 November 2025, para. 36; *Prosecutor v. Jadranko Prlić*, Case No. MICT-17-112-ES.2, Decision on the Application for Early Release of Jadranko Prlić, 7 March 2025 (public redacted) ("*Prlić* Decision"), para. 49; *Krstić* Decision of 15 November 2022, para. 61.

⁷⁸ *Stojić* Decision of 3 November 2025, para. 36; *Prlić* Decision, para. 49; *Krstić* Decision of 15 November 2022, para. 61.

⁷⁹ *Stojić* Decision of 3 November 2025, para. 36; *Jelisić* Decision, para. 51; *Prosecutor v. Miroslav Bralo*, Case No. MICT-14-78-ES, Decision on the Application for Early Release of Miroslav Bralo, 28 December 2023 (public redacted), para. 62.

⁸⁰ Application, paras. 6, 15; Personal Statement, paras. 12, 15; Comments, paras. 12-13.

⁸¹ Application, paras. 18, referring to Trial Judgement, paras. 1005-1007 and Appeal Judgement, paras. 338, 391, 394, 396-397; Personal Statement, para. 13.

and war are silenced, forgiveness and reconciliation spread and peace flourishes in all times and in all places.”⁸²

53. Furthermore, Musema submits that over the course of his detention, he has requested rehabilitation programmes, which demonstrates his “clear determination, genuine interest and desire” to prepare himself for life beyond prison, however, his requests have “largely gone unheeded and unanswered”.⁸³ Musema states that he remains committed to truth, reconciliation and peace.⁸⁴ He stresses, however, that, at the time when the crimes for which he was convicted were committed, he was a civilian and the director of a tea factory and not part of the military, police, or government of Rwanda.⁸⁵

54. The Beninese authorities similarly state that Musema regrets the genocide, but maintains his innocence.⁸⁶ They also submit that Musema “shares the grief and pain of the victims, condemns the ethnic division and hopes that Rwandans will be able to forgive each other”.⁸⁷ The prison authorities further report that Musema mentions opportunities to make a positive contribution to peace, should he be released.⁸⁸

55. I note that indeed the Trial Chamber and the Appeals Chamber considered as mitigating circumstances the fact that Musema admitted the 1994 Genocide against the Tutsi in Rwanda, conveyed his distress about the deaths of so many innocent people, paid tribute to all victims, and expressed deep regret that facilities of the factory which he directed may have been used by the perpetrators of the crimes.⁸⁹ The information I have received from the Beninese prison authorities confirms that Musema maintains this attitude.

56. However, the Trial and Appeals Chambers determined that Musema’s personal participation in crimes, in some cases leading the attackers, was proved beyond reasonable doubt. Moreover, Musema’s Personal Statement contains no reflection on the role he carried out in the commission of the crimes for which he was convicted. The fact that he was a civilian at the time of the commission of the crimes does not alter his convictions, and yet Musema refers to it so as to further distance himself from his crimes. In addition, while the type of projects in which Musema participated in prison may demonstrate good behaviour and positive conduct, they cannot be relied on to demonstrate rehabilitation for the purpose of early release. Furthermore, the vague expressions of his intention to

⁸² Personal Statement, para. 14.

⁸³ Application, paras. 8-9, Annex B.

⁸⁴ Application, para. 6; Comments, para. 12.

⁸⁵ Application, para. 6; Comments, para. 12. *See also* Personal Statement, paras. 12, 16.

⁸⁶ Behavioural Report, pp. 1-2.

⁸⁷ Behavioural Report, p. 1.

⁸⁸ Psychological Report, p. 2.

⁸⁹ Trial Judgement, paras. 1005-1006; Appeal Judgement, para. 388.

contribute to peace, if released, do not demonstrate that Musema has taken any concrete action for this purpose that could serve as support for having advanced in his rehabilitation process.

57. In light of the above, I consider that Musema has not demonstrated any acceptance of his responsibility, critical reflection, or genuine remorse for his role in the commission of the crimes and the suffering of the victims and their families caused by his crimes that would demonstrate sufficient rehabilitation for the purposes of early release.

(c) Mental State and Prospects of Successful Reintegration into Society

58. Musema submits that, if released, he will return to his family who fully support him.⁹⁰ He has also maintained contact with a group of friends, who are ready to provide their support.⁹¹ Musema adds that, if released, he will look for opportunities to serve the community, assisting a non-profit organisation or making use of his scientific training.⁹² In the Comments, Musema submits that he is confident that he will have the support to lead “a positive life with harmonious integration” and that the maintenance of his innocence does not diminish his desire for social reintegration.⁹³ He also indicates that he remains committed to adhering to conditions set by the President, and that any conditions imposed must be proportionate, fair and practically enforceable.⁹⁴

59. The Behavioural Report confirms that, if released, Musema would rely on his professional qualification and the support of his children, [REDACTED].⁹⁵ With respect to his mental health, the Psychological Report indicates that Musema has an appropriate physical presentation, coherent speech and an attitude “respectful of the rules of listening”, and his cognitive and instinctive functions are maintained.⁹⁶ Moreover, he maintains positive relations with his environment and a link to those close to him, and keeps a routine.⁹⁷ At the same time, the prison’s psychologist observes that Musema presents a “sad emotional state that is concealed by thoughts of resilience and hope”, and his speech conveys feelings of “indignation and loss” that are associated with the withdrawal of his computer equipment, which have led to a psychological decline.⁹⁸

⁹⁰ Personal Statement, para. 26. *See also* Application, paras. 24-25.

⁹¹ Application, paras. 23-24, Annexes C-D.

⁹² Personal Statement, para. 27.

⁹³ Comments, paras. 17, 24. *See also* Application, para. 27; Comments, para. 21.

⁹⁴ Comments, paras. 28-29; Personal Statement, para. 31. *See also* Personal Statement, paras. 28-30 (submitting, *inter alia*, his intention to not engage in political life and to continue to make efforts to contribute to his “rehabilitation, resocialisation and harmonious reintegration in society”).

⁹⁵ Behavioural Report, p. 1.

⁹⁶ Psychological Report, p. 1.

⁹⁷ Psychological Report, p. 2.

⁹⁸ Psychological Report, pp. 1-2.

60. The information before me suggests that, if he were released, Musema would be able to reintegrate into society with the support of his family, with whom he has maintained close ties. Although this does not in and of itself demonstrate rehabilitation, I consider that it merits positive weight in my consideration of his rehabilitation.

(d) Overall Assessment

61. As set out above, Musema's behaviour in prison has been very good and, despite his lengthy imprisonment, he has managed to maintain close ties with his family and friends, as well as a healthy routine. Nevertheless, it is clear that he has not accepted his personal responsibility for the crimes for which he was convicted. The acceptance of responsibility for one's own crimes, while not a legal requirement, is an important factor in assessing a convicted person's progress towards rehabilitation. Even where the convicted person maintains his or her innocence, it is still incumbent upon them to convincingly establish that granting early release would be a responsible exercise of my discretion. Based on the information before me, Musema has failed to demonstrate that he has reached a sufficient level of rehabilitation to merit early release.

4. Substantial Cooperation with the Prosecutor

62. In the Application, Musema submits that "neither the ICTR nor the [Mechanism] Prosecution ever solicited his express cooperation", and that his behaviour during the trial and appeal proceedings was "beyond reproach", making his trial the most expeditious one before the ICTR, also because of his admission of detailed facts presented at trial by the Prosecution of the ICTR.⁹⁹

63. The Prosecution takes note that Musema did not disturb or delay the trial and appeal proceedings and, further, that he admitted detailed facts presented by the Prosecution of the ICTR to expedite the case and remove uncontentious issues.¹⁰⁰ However, according to the Prosecution, this is not a factor that should weigh in favour of Musema's early release because it was already considered in mitigation at the sentencing stage, and he has not demonstrated subsequent instances of such cooperation.¹⁰¹

64. In the Comments, Musema submits that his cooperation during the proceedings can be taken into consideration even if it was also considered as mitigation factor in his sentencing.¹⁰²

⁹⁹ Application, para. 19. *See also* Personal Statement, para. 13.

¹⁰⁰ Prosecution Memorandum, para. 13.

¹⁰¹ Prosecution Memorandum, para. 13.

¹⁰² Comments, para. 15.

65. The Trial Chamber indeed considered as a mitigating circumstance the fact that Musema's cooperation throughout the proceedings, including through the admission of facts, facilitated an expeditious trial.¹⁰³ However, in the absence of any subsequent instances of cooperation, including at the stage of sentence enforcement, such cooperation cannot be deemed substantial. Accordingly, I do not consider it appropriate to attach any weight to Musema's cooperation with the Prosecution in my assessment of the Application.

D. Other Considerations

1. Comments and Information Provided by the Prosecution

66. Decisions on early release have established that the President may receive and consider general comments and information from the Prosecution with regard to early release applications.¹⁰⁴ In doing so, the President shall exercise caution to avoid any unreasonable imbalance to the detriment of the convicted person, and carefully assess on a case-by-case basis which submissions are of actual relevance in a given case, mindful of the rights of the convicted person.¹⁰⁵

67. The Prosecution submits that Musema has not demonstrated that early release is warranted in his case due to the gravity of his crimes, his leadership role during attacks on Tutsi civilians, his refusal, to date, to accept personal responsibility for his crimes and the general absence of evidentiary support for his request.¹⁰⁶ With respect to Musema's rehabilitation, the Prosecution argues, *inter alia*, that despite his acknowledgement of the gravity of the Rwandan genocide and expression of general empathy for the genocide survivors, Musema continues to deny his personal responsibility for the crimes for which he was convicted.¹⁰⁷ The Prosecution also opines that Musema has not demonstrated a strong positive attitude towards persons of other ethnic backgrounds, and that his lack of rehabilitation also affects his prospects of successful and peaceful reintegration into society.¹⁰⁸ Further, the Prosecution submits that Musema's continued detention does not raise humanitarian concerns and he has not provided any evidence that Switzerland is willing to accept him and reintegrate him into their society.¹⁰⁹

¹⁰³ Trial Judgement, para. 1007.

¹⁰⁴ *Jelisić* Decision, para. 69; *Stanišić* Decision, para. 65; *Bralo* Decision of 31 December 2019, para. 69.

¹⁰⁵ *Jelisić* Decision, para. 69; *Stanišić* Decision, para. 65; *Prosecutor v. Radoslav Brđanin*, Case No. MICT-13-48-ES, Decision on the Application of Radoslav Brđanin for Early Release, 28 February 2020 (public redacted), para. 83.

¹⁰⁶ Prosecution Memorandum, paras. 2-3, 18. I observe that Musema has been acquitted on appeal for rape as a crime against humanity, and that, accordingly, the Prosecution's comments on the gravity of his crimes in this respect are misplaced. See Prosecution Memorandum, paras. 4, 7; Comments, paras. 7-8, 11, Annex A.

¹⁰⁷ Prosecution Memorandum, paras. 5-7, 9, 11-12.

¹⁰⁸ Prosecution Memorandum, para. 8.

¹⁰⁹ Prosecution Memorandum, paras. 10-11.

68. I have given due regard to the Prosecution's comments and information in relation to the Application.

2. Impact on Victims and Witnesses

69. WISP observes that the early release of a convicted person may impact victims and witnesses in different ways.¹¹⁰ Learning of a convicted person's release through the media, other channels or through an unexpected encounter in public could increase the perception of risk by victims and witnesses, affect their psycho-social wellbeing, or re-traumatise them.¹¹¹ Victims and/or witnesses may potentially come under threat of being physically harmed or intimidated by the convicted person or his supporters as retribution for their involvement in the proceedings and for contributing to the conviction by the ICTR.¹¹² Furthermore, although WISP did not conduct individual outreach regarding the Application, many Prosecution witnesses have in the past informally expressed their discontentment regarding previous requests for early release of ICTR convicted persons, considering that granted requests for early release were unfair, in light of the gravity of the committed crimes and the suffering they encountered as a result of the 1994 Genocide against the Tutsi.¹¹³

70. WISP reviewed the records of 23 surviving witnesses relevant to Musema's case.¹¹⁴ Out of these witnesses, only two Defence witnesses reside in Switzerland, where Musema intends to live if released early, while 19 of the remaining witnesses, including five identified as victims, were last known to live in Rwanda.¹¹⁵ Six witnesses were considered vulnerable due to psychological trauma and health issues,¹¹⁶ and one had previously reported security concerns which were addressed at the time of such report,¹¹⁷ with none of them living in Switzerland.¹¹⁸

71. I have remained mindful of this information in considering the Application.

3. Health of the Convicted Person

72. Previous decisions have taken into account the state of the convicted person's health in the context of an early release application.¹¹⁹ In particular, I observe that a convicted person's health

¹¹⁰ WISP Memorandum, para. 15.

¹¹¹ WISP Memorandum, para. 15.

¹¹² WISP Memorandum, para. 15. *See also* WISP Memorandum, para. 17 (submitting that many witnesses also worry about the message a release in cases of serious crimes sends regarding accountability).

¹¹³ WISP Memorandum, para. 16. *See also* WISP Memorandum, para. 17.

¹¹⁴ WISP Memorandum, paras. 3-5.

¹¹⁵ WISP Memorandum, paras. 8-10.

¹¹⁶ WISP Memorandum, paras. 11-12.

¹¹⁷ WISP Memorandum, para. 13.

¹¹⁸ WISP Memorandum, paras. 12, 14.

¹¹⁹ *Stojić* Decision of 3 November 2025, para. 56; *Jelisić* Decision, para. 81; *Bisengimana* Decision, para. 32.

must be considered when the seriousness of his or her condition makes it inappropriate for the convicted person to remain in prison any longer.¹²⁰

73. Musema, who is currently 76 years old, asserts that his age and ill-health, which includes [REDACTED], should be taken into consideration in the assessment of the merits of the Application.¹²¹ He further argues that “the conditions of detention become more painful to bear upon his body and mind” due to his advanced age.¹²²

74. The Medical Report indicates that Musema is in a good general state with a good state of awareness.¹²³ It also indicates that there is a [REDACTED], and that Musema [REDACTED].¹²⁴ According to the prison’s medical services, Musema receives special monitoring from [REDACTED] specialists, and his short-term vital prognosis is not under threat.¹²⁵

75. The information before me does not lead to the conclusion that the state of Musema’s health would render his continued imprisonment inappropriate. Accordingly, there are no compelling humanitarian grounds that would warrant his early release. I have, nevertheless, taken the information on the state of Musema’s health into account in reaching my decision on the Application, as part of my overall assessment of the various factors.

4. Consultation

76. In coming to my decision on whether to grant the Application, I have consulted with two other Judges of the Mechanism.¹²⁶ Both Judges are of the view that the Application should be denied. Judge Sekule refers, in particular, to the very high gravity of the crimes for which Musema was convicted, highlighting his influential role as described by the Appeals Chamber. He also adds that Musema has not sufficiently demonstrated rehabilitation and there is no evidence demonstrating the existence of compelling humanitarian grounds that would otherwise warrant early release. Judge El Baaj expresses the opinion that early release of persons convicted for genocide should be exceptional and Musema has not demonstrated any acceptance of his responsibility, critical reflection or genuine remorse for his role in the commission of the crimes and the suffering his crimes caused to the victims and their families.

¹²⁰ *Stojić* Decision of 3 November 2025, para. 56; *Jelisić* Decision, para. 81; *Prosecutor v. Ljubiša Beara*, Case No. MICT-15-85-ES.3, Public Redacted Version of 7 February 2017 Decision of the President on the Early Release of Ljubiša Beara, 16 June 2017, paras. 47-49.

¹²¹ Application, paras. 21-22. *See also* Comments, para. 24, Annex B.

¹²² Application, para. 22.

¹²³ Medical Report, p. 1.

¹²⁴ Medical Report, p. 2.

¹²⁵ Medical Report, p. 2. *See also* Comments, Annex B, para. 1 (submitting that Musema is awaiting the start of [REDACTED] therapy as part of his [REDACTED] care).

¹²⁶ *See supra* para. 15.

77. I am grateful for my Colleagues' views on these matters and have taken them into account in my ultimate assessment of the Application.

V. CONCLUSION

78. I am of the opinion that the Application should be denied. While Musema is eligible to be considered for early release, the very high gravity of his crimes and his insufficient demonstration of rehabilitation are significant factors militating against such release. Further, there is no evidence before me that demonstrates the existence of compelling humanitarian grounds which would warrant overriding this negative assessment.

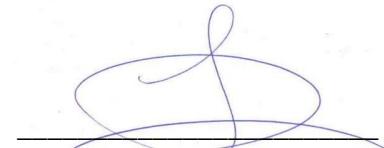
VI. DISPOSITION

79. For the foregoing reasons, and pursuant to Article 26 of the Statute and Rules 150 and 151 of the Rules, I hereby **DENY** the Application.

80. The Registrar is **DIRECTED** to provide the Prosecutor with the public redacted version of this decision as soon as practicable.

Done in English and French, the English version being authoritative.

Done this 12th day of January 2026,
At Arusha,
Tanzania.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



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Original Language/ Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/ préciser):	
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