

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-14-67-ES.2

Date: 8 October 2025

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before:** Judge Graciela Gatti Santana, President

**Registrar:** Mr. Abubacarr M. Tambadou

**Decision of:** 8 October 2025

**PROSECUTOR**

**v.**

**NEBOJŠA PAVKOVIĆ**

***PUBLIC REDACTED VERSION***

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**REASONS FOR THE 26 SEPTEMBER 2025 DECISION ON THE  
APPLICATION FOR EARLY RELEASE OF NEBOJŠA PAVKOVIĆ**

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**Counsel for Mr. Nebojša Pavković:**

Mr. Aleksandar Aleksić

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively), was seised of an urgent application for early release filed by Mr. Nebojša Pavković (“Pavković”) on 30 July 2025.<sup>1</sup> I considered the Application pursuant to Articles 25(2) and 26 of the Statute of the Mechanism (“Statute”), Rules 150 and 151 of the Rules of Procedure and Evidence of the Mechanism (“Rules”), and paragraphs 20 and 21 of the applicable Practice Direction.<sup>2</sup> On 26 September 2025, I granted Pavković conditional early release, with reasons to follow.<sup>3</sup> The reasons for the Decision are set out below.

## I. BACKGROUND

2. On 25 April 2005, Pavković was transferred to the custody of the International Criminal Tribunal for the former Yugoslavia (“ICTY”).<sup>4</sup>

3. On 26 February 2009, Trial Chamber III of the ICTY (“Trial Chamber”) convicted Pavković of murder, persecution, deportation, and other inhumane acts (forcible transfer) as crimes against humanity and murder as a violation of the laws or customs of war.<sup>5</sup> The Trial Chamber sentenced Pavković to 22 years of imprisonment.<sup>6</sup>

4. On 23 January 2014, the Appeals Chamber of the ICTY: (i) affirmed Pavković’s convictions for murder, persecution, deportation, and other inhumane acts (forcible transfer) as crimes against humanity and murder as a violation of the laws or customs of war; (ii) reversed, in part, Pavković’s convictions for these crimes insofar as they concerned specific incidents; and (iii) affirmed Pavković’s sentence of 22 years of imprisonment.<sup>7</sup>

5. On 25 August 2014, Pavković was transferred to the Republic of Finland (“Finland”) for the enforcement of the remainder of his sentence.<sup>8</sup> Pavković had, at the time of his conditional early

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<sup>1</sup> Urgent Nebojša Pavković’s Application for Early Release, 30 July 2025 (confidential) (“Application”). On 13 August 2025, a public redacted version of the Application was filed pursuant to my order. *See* Order for a Public Redacted Version of Nebojša Pavković’s Application for Early Release, 12 August 2025.

<sup>2</sup> 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”).

<sup>3</sup> *See* Decision on the Application for Early Release of Nebojša Pavković, 26 September 2025 (“Decision”), p. 3.

<sup>4</sup> *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, Judgement, 26 February 2009 (“Trial Judgement”), vol. 1, para. 2.

<sup>5</sup> Trial Judgement, vol. 1, para. 6, vol. 3, para. 1210.

<sup>6</sup> Trial Judgement, vol. 3, para. 1210.

<sup>7</sup> *Prosecutor v. Nikola Šainović et al.*, Case No. IT-05-87-A, Judgement, 23 January 2014 (“Appeal Judgement”), paras. 1844, 1847.

<sup>8</sup> *See* Decision on the Application for Early Release of Nebojša Pavković, 18 May 2022 (public redacted) (“Decision of 18 May 2022”), para. 5. *See also* Order Designating State in Which Nebojša Pavković is to Serve his Sentence, 13 March 2014, p. 1.

release, served almost 20 years of his 22-year sentence, which will be completed on 25 December 2027.

## II. PROCEDURAL HISTORY AND SUBMISSIONS

6. In the Application, Pavković requested, on the basis of compelling humanitarian grounds, that he be released early to [REDACTED], Republic of Serbia (“Serbia”).<sup>9</sup> Pavković attached a medical report dated from 2023, which sets out that he was diagnosed with [REDACTED] and [REDACTED].<sup>10</sup> According to the 2023 Medical Report, this is an incurable disease and the average life expectancy was assessed as four to five years.<sup>11</sup> In the Application, Pavković submitted that: (i) his physical health had deteriorated “to the extent of life threat”; (ii) further imprisonment would “adversely and additionally” affect his physical as well as mental health; and (iii) he wanted to spend the last period of his life with his family.<sup>12</sup>

7. On 1 August 2025, I requested the Finnish authorities to provide me with information on Pavković’s medical condition, including his current diagnosis, prognosis, treatment options, and any ramifications his condition may have on his imprisonment.<sup>13</sup>

8. On 8 August 2025, Pavković supplemented the Application by providing a more recent medical report from the Finnish authorities.<sup>14</sup> This medical report stated that Pavković has an incurable “progressed [REDACTED] disease” and that his remaining life expectancy is “a couple of months at most”.<sup>15</sup>

9. On 12 August 2025, the Finnish authorities provided a medical report dated 7 August 2025 in response to the Request.<sup>16</sup> This medical report stated that Pavković’s condition recently worsened, and a quick progression of his condition was found with a new [REDACTED].<sup>17</sup>

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<sup>9</sup> Application, paras. 13-14, 17.

<sup>10</sup> Application, Annex A (“2023 Medical Report”), Registry Pagination (“RP”) 138.

<sup>11</sup> 2023 Medical Report, RP 138.

<sup>12</sup> Application, paras. 5-8, 11-12, 14. On 5 August 2025, the Office of the Prosecutor of the Mechanism (“Prosecution”) filed a response, opposing the Application on the basis that Pavković had failed to substantiate his claims of acute terminal illness justifying early release. *See* Prosecution Response to Pavković’s Early Release Application, 5 August 2025 (confidential), paras. 1, 5.

<sup>13</sup> Request to the Republic of Finland Related to the Application for Early Release of Nebojša Pavković, 1 August 2025 (confidential) (“Request”), p. 2.

<sup>14</sup> Addendum [to] Urgent Defen[c]e Application for Early Release, 8 August 2025 (confidential), Annex A (“First Medical Report of 7 August 2025”).

<sup>15</sup> First Medical Report of 7 August 2025, RP 154.

<sup>16</sup> Verbal Note, 12 August 2025 (confidential), RP 165 (“Second Medical Report of 7 August 2025”).

<sup>17</sup> Second Medical Report of 7 August 2025.

Pavković's treatment was assessed as purely palliative and his life expectancy was understood as "most likely [...] two months".<sup>18</sup>

10. On 13 August 2025, I instructed the Registrar of the Mechanism ("Registrar") to urgently appoint an independent medical expert ("IME") in the field of [REDACTED] with a view to receiving "additional medical expertise to assist my determination of as to whether compelling humanitarian grounds exist that may warrant granting the Application".<sup>19</sup>

11. On 9 September 2025, the Registrar filed the report of the IME.<sup>20</sup> The IME confirmed Pavković's declined condition, opining that "palliative care with no systemic treatment" was the only reasonable option.<sup>21</sup> In relation to life expectancy, the IME stated that the "prognosis is poor with a high chance of death within 3 to 6 months, although predicting outcome is very difficult in [REDACTED]" because of the "often slow biological behavio[u]r".<sup>22</sup>

12. On 11 September 2025, given the "present uncertainty of the prognosis coupled with the current adequacy of care Pavković receives in the prison environment", I instructed the Registrar to re-engage with the IME and ensure provision of an updated report no later than 6 October 2025.<sup>23</sup>

13. On 26 September 2025, Pavković further supplemented the Application by providing a new medical report from the Finnish authorities.<sup>24</sup> According to this medical report, the situation had further progressed and the "patient [was] approaching his death".<sup>25</sup>

14. On the same day, the Registrar filed the updated report of the IME.<sup>26</sup> The IME confirmed that Pavković's clinical condition had markedly deteriorated in the past weeks.<sup>27</sup> Recent additional symptoms, such as [REDACTED], "might be related with [REDACTED]".<sup>28</sup> Given the quick deterioration of Pavković's situation, a palliative care unit in a hospital or palliative care at home

<sup>18</sup> Second Medical Report of 7 August 2025.

<sup>19</sup> Order for Appointment of an Independent Medical Expert, 13 August 2025 (confidential), p. 2. On 29 August 2025, my Office authorised the Registry of the Mechanism ("Registry") to share on a confidential basis with the IME the First Medical Report of 7 August 2025 and the Second Medical Report of 7 August 2025, and I granted an extension for the IME to file his report. *See* Decision on Registrar's Request for an Extension of Time to File the Report of the Independent Medical Expert, 29 August 2025 (confidential), pp. 1-2.

<sup>20</sup> Registrar's Fourth Submission in Relation to the "Order for Appointment of an Independent Medical Expert" of 13 August 2025, 9 September 2025 (confidential), Annex ("First IME Report").

<sup>21</sup> First IME Report, RP 208-207.

<sup>22</sup> First IME Report, RP 207.

<sup>23</sup> Order for Updated Report from Independent Medical Expert, 11 September 2025 (confidential), p. 2.

<sup>24</sup> Second Addendum [to] Urgent Defen[c]e Application for Early Release, 26 September 2025 (confidential), Annex A ("Medical Report of 25 September 2025").

<sup>25</sup> Medical Report of 25 September 2025. On 26 September 2025, my Office authorised the Registry to share on a confidential basis with the IME the Medical Report of 25 September 2025.

<sup>26</sup> Registrar's Submission in Relation to the "Order for Updated Report from Independent Medical Expert" of 11 September 2025, 26 September 2025 (confidential), Annex ("Second IME Report").

<sup>27</sup> Second IME Report, RP 226.

was assessed as the best option, something that “[was] currently not feasible in a prison environment”.<sup>29</sup> The IME concluded that Pavković’s life expectancy prognosis was very likely “weeks to a few months”.<sup>30</sup>

15. Having received all relevant material, I consulted with Judge Liu Daqun and Judge Iain Bonomy in their capacities as Judges of the sentencing Chambers,<sup>31</sup> as foreseen under Rule 150 of the Rules.

### III. APPLICABLE LAW

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

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, in consultation with any Judges of the sentencing Chamber who are Judges of the Mechanism, whether pardon, commutation of sentence, or early release is appropriate. If none of the Judges who imposed the sentence are Judges of the Mechanism, the President shall consult with at least two other Judges.

19. The general standards for granting early release are set out in Rule 151 of the Rules, which provides 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.

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<sup>28</sup> Second IME Report, RP 226.

<sup>29</sup> Second IME Report, RP 226.

<sup>30</sup> Second IME Report, RP 226.

<sup>31</sup> See *generally* Trial Judgement, Appeal Judgement.

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. 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.

21. Paragraph 16 of the Practice Direction states that, in accordance with Article 26 of the Statute and Rule 150 of the Rules, the President shall determine whether pardon, commutation of sentence, or early release is appropriate, in consultation with any Judges of the sentencing Chamber(s) who are Judges of the Mechanism, or if none of them are Judges of the Mechanism, with at least two other Judges of the Mechanism. It further provides that in all circumstances, the President shall consult with at least two other Judges of the Mechanism.

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 states that if early release is granted, it may be subject to conditions.

23. Paragraph 21 of the Practice Direction states, *inter alia*, that in cases of extreme urgency, the President may dispense with the procedural steps set forth in the Practice Direction to the extent required to meet the urgency, accelerate the consultation with other Judges, and if necessary issue a decision with reasons to follow.

#### IV. ANALYSIS

24. The Application was based exclusively on the alleged existence of compelling humanitarian grounds. In this regard, in reaching my decision on the Application, I recalled that if a particular situation requires the release of a convicted person based on compelling humanitarian grounds, it is immaterial whether any of the factors set out in Rule 151 of the Rules weigh in favour of or against the convicted person's early release.<sup>32</sup> Indeed, while any early release based on the existence of compelling humanitarian grounds will necessarily require that a very high threshold be met, due to its inherent nature, it will not be dependent on the convicted person's demonstration of

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<sup>32</sup> *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-ES, Decision on the Application for Release of Ratko Mladić, 29 July 2025 (public redacted) ("*Mladić* Decision"), para. 25; *Prosecutor v. Dominique Ntawukulilyayo*, Case No. MICT-13-34-ES, Decision on the Application for Early Release of Dominique Ntawukulilyayo, 15 July 2024 (public redacted) ("*Ntawukulilyayo* Decision"), para. 28; *Prosecutor v. Radoslav Brđanin*, Case No. MICT-13-48-ES, Reasons

rehabilitation or an assessment of the gravity of his or her crimes, for example.<sup>33</sup> In such a scenario it is not the behaviour of the convicted person, but rather the specific and prevailing circumstances, often due to his or her health condition, that will dictate whether the person should be released in accordance with the Mechanism's legal framework.<sup>34</sup>

25. At the outset, I observed that Pavković's 22-year sentence will be fully served at the end of 2027. At the time of the Decision, he had been incarcerated for almost 20 years.

26. Pavković's diagnosis was clear and had been confirmed by treating and reporting physicians, including the IME. Pavković has [REDACTED], his condition recently worsened, the only treatment reasonably available is of a palliative nature, and the treating and reporting physicians concur that his life expectancy is heavily diminished as a result. The IME concluded that Pavković's life expectancy ranged from "weeks to a few months".<sup>35</sup>

27. Given the various medical reports before me, I was convinced that Pavković suffers from an acute terminal illness with no further curative treatment options and consistent prognoses of a very short life expectancy. I further considered that, according to the prison medical services, as Pavković's condition progresses, the limitations of imprisonment could hinder the appropriate treatment,<sup>36</sup> and that, according to the IME, the quick deterioration of Pavković's condition had led to a situation where the most optimal palliative treatment could no longer be administered in a prison environment.<sup>37</sup> Keeping Pavković in such setting, given these factors, would have created a situation incongruous with his basic rights.

28. Under these circumstances and considering the interests of justice and the general principles of law, I concluded that, notwithstanding the gravity of his crimes,<sup>38</sup> the only humanitarian choice available was to release Pavković early, subject to strict conditions.

29. I considered that Pavković should only be released subject to: (i) him committing to several conditions; and (ii) Serbia providing specific guarantees. With regard to item (i), Pavković was required to sign the conditional early release agreement attached to the Decision, which sets out 19 specific conditions, including that Pavković remain within the confines of his residence or a medical clinic, and that he surrender with a view to be transferred to the custody of the Mechanism,

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for the 3 September 2022 Decision on the Application for Early Release of Radoslav Brđanin, 26 September 2022 (public redacted) ("Reasons for *Brđanin* Decision"), para. 37.

<sup>33</sup> *Mladić* Decision, para. 25; *Ntawukulilyayo* Decision, para. 28; Reasons for *Brđanin* Decision, para. 37.

<sup>34</sup> *Mladić* Decision, para. 25; *Ntawukulilyayo* Decision, para. 28; Reasons for *Brđanin* Decision, para. 37.

<sup>35</sup> Second IME Report, RP 226.

<sup>36</sup> Second Medical Report of 7 August 2025.

<sup>37</sup> Second IME Report, RP 226.

should the President so order.<sup>39</sup> In relation to item (ii), I required Serbia to file on the judicial record a confirmation that all conditions of this agreement would be monitored and complied with, and that Serbia would, *inter alia*, arrest and transfer Pavković to the custody of the Mechanism, should the President so order.<sup>40</sup>

30. In order to ensure that I can monitor Pavković's medical progression, I further considered it necessary to direct the Registrar to set up a medical monitoring regime involving the IME. A monthly consultation shall be organised by the IME with Pavković and a confidential report of each such consultation shall be filed on the judicial record, containing updated information on Pavković's health condition, including his prognosis and life expectancy.<sup>41</sup> In this respect, with a view to, *inter alia*, avoiding undue delays in receiving the latest information, I expect that the Registrar will provide all requisite practical and logistical assistance to the IME, including in relation to any interpretation needs or contact with Pavković's local physicians.

31. Granting conditional early release to Pavković does not, in any way, alter the sentence he received or the gravity of the crimes he committed. Pavković remains convicted of very grave crimes, for which he received a sentence of 22 years of imprisonment. Despite his early release, he remains under the jurisdiction of the Mechanism for the entirety of his sentence. In that sense and until then, the President can order his return to Mechanism custody at any time, should the circumstances so require.

32. In coming to my decision on whether to grant the Application, I consulted with two other Judges of the Mechanism.<sup>42</sup> Judge Liu and Judge Bonomy both agreed that there existed compelling humanitarian grounds for the Application to be granted. I was very grateful for receiving my colleagues' views on this matter and, in particular, for their ability to provide them at an exceptionally short notice, and took them into account in my ultimate assessment of the Application.

## V. CONCLUSION

33. I considered that, based on the information before me, there existed compelling humanitarian reasons for the Application to be granted. It was granted subject to Pavković agreeing

<sup>38</sup> See Decision of 18 May 2022, paras. 35-41.

<sup>39</sup> See Decision, p. 3, Annex, paras. 3(D), 3(H).

<sup>40</sup> See Decision, p. 3, Annex.

<sup>41</sup> See Decision, pp. 3-4. See also Decision, Annex, para. 3(G).

<sup>42</sup> See *supra* para. 15.



to several conditions annexed to the Decision and Serbia filing on the judicial record in this case a confirmation that all conditions would be monitored and complied with.

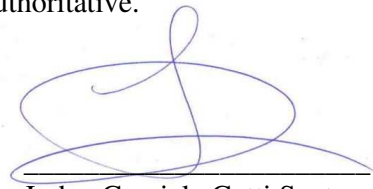
## VI. DISPOSITION

34. For the foregoing reasons, and pursuant to Articles 25(2) and 26 of the Statute and Rules 150 and 151 of the Rules, Pavković was **GRANTED** conditional early release.

35. The Registrar is hereby **DIRECTED** to provide the authorities of Finland and Serbia, as well as the Prosecution, with the public redacted version of these reasons as soon as practicable.

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

Done this 8th day of October 2025,  
At The Hague,  
The Netherlands.

  
Judge Graciela Gatti Santana  
President

[Seal of the Mechanism]



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