

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-22-126-ES.1

Date: 5 February 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambaou

Decision of: 5 February 2026

PROSECUTOR

v.

GASPARD KANYARUKIGA

PUBLIC

**DECISION ON GASPARD KANYARUKIGA'S
APPLICATION FOR LIMITED LEGAL AID**

Counsel for Mr. Gaspard Kanyarukiga:

Mr. Mayombo Kassongo

I, GRACIELA GATTI SANTANA, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

RECALLING that Mr. Gaspard Kanyarukiga (“Kanyarukiga”) is currently serving a 30-year sentence in the Republic of Benin, following his conviction by the International Criminal Tribunal for Rwanda for the crimes of genocide and extermination as a crime against humanity;¹

BEING SEISED OF an application filed by Kanyarukiga on 28 January 2026, requesting legal aid in relation to a direct petition for early release, filed on 26 January 2026;²

NOTING Kanyarukiga’s submissions that exceptional circumstances exist justifying the requested legal aid, since his severe cognitive and psychiatric disorders, lack of proficiency in English or French, and psychological safety needs necessitate that legal and linguistic assistance be provided in person in order to enable his full and fair participation in the proceedings;³

RECALLING that it is well-established in the Mechanism’s jurisprudence that, as a matter of principle, a convicted person whose case has reached finality is not entitled to legal assistance at the Mechanism’s expense, and that such assistance may only be granted in exceptional circumstances pursuant to a judicial order or decision;⁴

RECALLING further that exceptional circumstances exist if such assistance is deemed necessary by a Judge or Chamber of the Mechanism to ensure the fairness of those proceedings;⁵

CONSIDERING that earlier attempts by Kanyarukiga to be granted legal aid for the purpose of receiving visits in prison from his Counsel were dismissed;⁶

CONSIDERING that Kanyarukiga’s health problems and language skills have been known to Counsel for years, and that Kanyarukiga fails to demonstrate that these matters significantly elevate what is ordinarily required for legal assistance with regard to an early release process;

¹ See Decision on the Applications for Early Release and Commutation of Sentence of Gaspard Kanyarukiga, 9 June 2023, pp. 1-2.

² Application for Limited Legal Aid, 4 February 2026 (confidential) (original filed in French on 28 January 2026) (“Application”), para. 1, p. 4. A public redacted version of the Application was filed on 2 February 2026. See *Version publique expurgée de la requête aux fins d’octroi d’une aide juridictionnelle limitée*, 2 February 2026.

³ Application, paras. 2-3, 6-8.

⁴ See e.g. Decision on Gaspard Kanyarukiga’s Application for Legal Aid, 23 July 2025 (“Decision of 23 July 2025”), p. 1; *Prosecutor v. Grégoire Ndahimana*, Case No. MICT-13-59-ES, Decision on Grégoire Ndahimana’s Application for Legal Aid, 22 July 2025 (“Ndahimana Decision”), p. 1; *François Karera v. Prosecutor*, Case No. MICT-12-24-R, Decision on Request for Assignment of Counsel, 4 December 2012, para. 10.

⁵ Decision of 23 July 2025, p. 1; *Ndahimana* Decision, p. 1; *Prosecutor v. Dominique Ntawukulilyayo*, Case No. MICT-13-34-ES, Decision on Dominique Ntawukulilyayo’s Request for Legal Aid, 12 June 2018, para. 11.

⁶ See Decision of 23 July 2025, pp. 1-2; Public Version of “Decision on Request for Legal Aid” Issued on 27 March 2023, 14 April 2023, p. 2; Decision on Gaspard Kanyarukiga’s Request for Legal Aid, 16 August 2022 (confidential), p. 2.

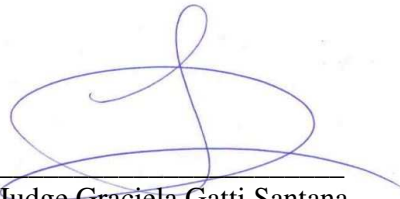
FINDING that, in the present circumstances, Kanyarukiga has not demonstrated the existence of exceptional circumstances justifying legal aid at the Mechanism's expense;

FOR THE FOREGOING REASONS,

HEREBY DISMISS the Application without prejudice.

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

Done this 5th day of February 2026,
At Arusha,
Tanzania.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



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			☐ Registrar/ Greffier	☐ Other/ Autre
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