

UNITED
NATIONS



International Residual Mechanism
for Criminal Tribunals

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

Date: 9 March 2026

Original: French

BEFORE THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana

Registrar: Mr Abubacarr M. Tambaou

Date of filing: 9 March 2026

PROSECUTOR

v.

GASPARD KANYARUKIGA

PUBLIC

**PUBLIC REDACTED VERSION OF THE
“APPLICATION FOR EARLY RELEASE”**

Pro Bono Counsel for Mr Gaspard Kanyarukiga:

Mr Mayombo Kassongo

Office of the Prosecutor:

Mr Serge Brammertz

INTRODUCTION

1. Pursuant to Article 26 of the Statute of the International Residual Mechanism for Criminal Tribunals (“Statute”) and Rules 149 and 150 of the Rules of Procedure and Evidence, Mr Gaspard Kanyarukiga, detained in the enforcement country of Benin, hereby respectfully submits this application for early release.

2. This application has been filed in full respect of the provisions of the Statute and the applicable Practice Direction which provide for any convicted person who has served two thirds of his/her sentence filing a request for early release.

II. RELEVANT FACTS

3. Mr Gaspard Kanyarukiga was arrested on 16 July 2004 [REDACTED] and transferred to the International Criminal Tribunal for Rwanda (“ICTR”) on 19 July 2004. On 13 May 2012, the Appeals Chamber delivered its final judgement, affirming his conviction and sentence of thirty years’ imprisonment. On 29 June 2012, he was transferred to the [REDACTED] in Benin, the sentence-enforcing state, where he has been ever since.

4. As of the date of the present application, he has accumulated more than twenty-one consecutive years of detention, including more than fourteen in the sentence-enforcement country and in July 2024 he completed two thirds of his sentence, thereby fulfilling the condition to be formally eligible for early release.

5. Mr Kanyarukiga [REDACTED] and is now [REDACTED] years old. His health is severely and permanently compromised. He suffers from [REDACTED], [REDACTED] disorders, [REDACTED]. These conditions make adequate detention impossible and preclude any future risk of reoffending or wielding influence.

6. In [REDACTED], the President of the Mechanism directed [REDACTED]. [REDACTED]. Since his arrest, Mr Kanyarukiga has consistently demonstrated exemplary behaviour in detention. He has never been disciplined and has always shown dignity and respect towards prison staff and the authorities.

7. The exceptional length of his imprisonment, which has now exceeded twenty consecutive years, represents a considerable portion of his life [REDACTED]. Each additional year of detention, given his age and state of health, carries a human, physical, and

moral burden disproportionate to the purpose of the sentence.

8. [REDACTED] ties remain intact and are an essential element in guaranteeing reintegration. [REDACTED], has formally expressed his willingness and ability to welcome [REDACTED] into a stable and medically suitable family environment. This arrangement ensures the continuity of specialised care and appropriate supervision, while guaranteeing that the prisoner will not be a burden on the community.

III. LEGAL ARGUMENTS

9. The present application is admissible under Article 26 of the Statute and Rules 149 and 150 of the Rules of Procedure and Evidence, as the requirement to serve two thirds of the sentence was met in July 2024. The Mechanism's jurisprudence specifies that admissibility does not depend on the nature of the crimes but on compliance with the legal minimum period of detention and the provision of a detailed assessment.

10. While the gravity of the crimes committed by Mr Kanyarukiga is undeniable, it does not constitute an absolute impediment to early release. The jurisprudence of the Mechanism, as well as that of the ICTR, acknowledges that early release may be granted to elderly convicts or those suffering from [REDACTED] illnesses, provided that it has been established that there is no risk to society and that there are guarantees of reintegration.

11. In this case, several converging factors support early release, namely the completion of the legally required two thirds of sentence, [REDACTED] state of health, his exemplary behaviour in detention, the complete absence of risk to society, and the existence of a stable and medically suitable [REDACTED].

IV. CONCLUSIONS

FOR THESE REASONS,

The President of the Mechanism is respectfully requested to:

1. Find the present application admissible; and

2. Grant early release to Mr Gaspard Kanyarukiga.

Done in Paris (France) on 9 March 2026.

/signed/

Mayombo Kassongo

Pro Bono Counsel for Gaspard Kanyarukiga

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PUBLIC

ANNEX

[REDACTED]