

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-33-ES.1

Date: 23 July 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 23 July 2026

PROSECUTOR

v.

JEAN DE DIEU KAMUHANDA

PUBLIC

**DECISION ON THE APPLICATION
FOR EARLY RELEASE OF JEAN DE DIEU KAMUHANDA**

Counsel for Mr. Jean de Dieu Kamuhanda:

Mr. Peter Robinson

Republic of Senegal

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

BEING SEISED of the direct petition for early release filed by Mr. Jean de Dieu Kamuhanda on 20 June 2026 (“Kamuhanda” and “Application”, respectively);¹

NOTING that Kamuhanda was arrested in the French Republic and, on 7 March 2000, transferred to the seat of the International Criminal Tribunal for Rwanda (“ICTR”);²

NOTING that, on 22 January 2004, Trial Chamber II of the ICTR convicted Kamuhanda, pursuant to Article 6(1) of the Statute of the ICTR, of genocide and extermination as a crime against humanity, and sentenced him to life imprisonment;³

NOTING that, on 19 September 2005, the Appeals Chamber of the ICTR vacated some of Kamuhanda’s convictions under certain modes of liability and confirmed his responsibility for genocide and extermination as a crime against humanity pursuant to Article 6(1) of the Statute of the ICTR, as well as his life sentence;⁴

NOTING that Kamuhanda was thereafter transferred to the Republic of Mali to serve the remainder of his sentence⁵ and subsequently to the Republic of Senegal;⁶

RECALLING that, 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;

RECALLING that, 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;⁷

¹ Petition for Early Release, 20 June 2026.

² *Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54A-T, Judgement and Sentence, 23 January 2004 (“Trial Judgement”), para. 767.

³ Trial Judgement, paras. 651-652, 700, 702, 750, 770-771.

⁴ *Jean de Dieu Kamuhanda v. Prosecutor*, Case No. ICTR-99-54A-A, Judgement, 19 September 2005, para. 365.

⁵ *Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54, Decision on the Enforcement of Sentence, 4 November 2008, p. 3.

⁶ Order Designating the State in Which Jean de Dieu Kamuhanda is to Serve the Remainder of his Sentence, 16 December 2021, p. 2.

⁷ 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 of Procedure and Evidence of the

RECALLING that, pursuant to Rule 150 of the Rules, upon receipt of a direct petition from the convicted person, the President shall 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;

RECALLING that all convicted persons serving a sentence under the supervision of the Mechanism 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, 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;⁸

RECALLING further that serving two-thirds of a sentence has been described as being “in essence, an admissibility threshold”,⁹ and that, if a convicted person applies for early release before having served two-thirds of his or her sentence, the application may be considered without necessarily triggering the multi-step and resource-intensive process of requesting, receiving, translating, sharing, and considering additional information before determining whether the application should be denied as premature;¹⁰

CONSIDERING that a person sentenced to life imprisonment by the ICTR, the ICTY, or the Mechanism may be considered eligible for early release¹¹ and that the applicable eligibility threshold in such cases is “more than 30 years”,¹²

Mechanism (“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.

⁸ *Prosecutor v. Milan Martić*, Case No. MICT-14-82-ES, Decision on the Application for Early Release of Milan Martić, 4 February 2026 (public redacted) (“*Martić Decision*”), para. 30; *Prosecutor v. Alfred Musema*, Case No. MICT-12-15-ES.1, Decision on the Application for Early Release of Alfred Musema, 12 January 2026 (public redacted), para. 26; *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.

⁹ *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-ES, Decision on the Application for Release of Ratko Mladić, 14 May 2026 (public redacted) (“*Mladić Decision of 14 May 2026*”), para. 25; *Martić Decision*, para. 30; *Prosecutor v. Paul Bisengimana*, Case No. MICT-12-07, Decision of the President on the Early Release of Paul Bisengimana and on Motion to File a Public Redacted Application, 11 December 2012 (public redacted) (“*Bisengimana Decision*”), para. 19.

¹⁰ *Prosecutor v. Vujadin Popović*, Case No. MICT-15-85-ES.2, Decision on the Application for Early Release of Vujadin Popović, 20 June 2025 (“*Popović Decision*”), p. 3; *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Decision on the Application for Early Release of Stanislav Galić, 4 December 2024 (“*Galić Decision of 4 December 2024*”), p. 3; *Bisengimana Decision*, para. 21.

¹¹ *Popović Decision*, p. 3; *Galić Decision of 4 December 2024*, p. 3; *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Reasons for the President’s Decision to Deny the Early Release of Stanislav Galić and Decision on Prosecution Motion, 23 June 2015 (public redacted) (“*Galić Reasons of 23 June 2015*”), para. 24.

CONSIDERING that, having served just over 26 and a half years of his life sentence, Kamuhanda has not yet reached the applicable threshold and is, therefore, not eligible to be considered for early release;

NOTING that, in the Application, Kamuhanda acknowledges his ineligibility to be considered for early release¹³ and submits that “the possibility that he will be required to serve the remainder of his sentence in Rwanda constitutes an exceptional humanitarian circumstance”;¹⁴

RECALLING that compelling or exceptional circumstances could arise in specific instances prior to the two-thirds threshold having been reached, which, in the exercise of my discretion as President, may overcome any eligibility concerns;¹⁵

CONSIDERING that a possible transfer to a new enforcement State does not constitute a compelling or exceptional circumstance in relation to whether a convicted person should be released early;

CONSIDERING further that there is no information before me that would otherwise indicate that there are compelling or exceptional circumstances warranting early release;

CONSIDERING that, in accordance with Rule 150 of the Rules, I have consulted with Judge William H. Sekule, in his capacity as a Judge of the sentencing Chamber,¹⁶ and, as no other Judges who imposed the sentence upon Kamuhanda are currently Judges of the Mechanism, with Judge René José Andriatianarivelo;

¹² The determination of the eligibility threshold for early release applicable to Stanislav Galić’s sentence of life imprisonment relied upon a sentence that was “equivalent to more than a sentence of 45 years”, based in part on the fact that, at the time, the highest fixed-term sentence imposed by the ICTR, the ICTY, or the Mechanism was 45 years of imprisonment. *See Galić* Reasons of 23 June 2015, para. 35. Since then, a fixed-term sentence of 47 years of imprisonment has been imposed. *See Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-A, Judgement, 14 December 2015, vol. II, para. 3539 (reducing the sentences of Ms. Pauline Nyiramasuhuko, Mr. Arsène Shalom Ntahobali, and Mr. Élie Ndayambaje from life imprisonment to 47 years’ imprisonment). The impact, if any, of this higher fixed-term sentence imposed by the ICTR upon future applications for the early release of persons serving life sentences under the supervision of the Mechanism will be addressed if and when required. *See e.g. Mladić* Decision of 14 May 2026, fn. 36; *Popović* Decision, p. 4.

¹³ Application, para. 14.

¹⁴ Application, paras. 13, 31. I further note that Kamuhanda generally refers to recent “health challenges”, without arguing that his health constitutes compelling or exceptional circumstances warranting early release. *See* Application, para. 30.

¹⁵ *Mladić* Decision of 14 May 2026, para. 26; *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-ES, Decision on the Application for Release of Ratko Mladić, 29 July 2025 (public redacted), para. 24; *Prosecutor v. Laurent Semanza*, Case No. MICT-13-36-ES, Decision of the President on the Early Release of Laurent Semanza, 9 June 2016 (public redacted), para. 18.

¹⁶ *See generally* Trial Judgement.

CONSIDERING further that both Judge Sekule and Judge Andriatianarivelo are of the view that Kamuhanda is ineligible to be considered for early release and that there are no compelling or exceptional circumstances;

FINDING that Kamuhanda has failed to demonstrate that compelling or exceptional circumstances exist that might warrant granting early release before having reached the two-thirds eligibility threshold;

FOR THE FOREGOING REASONS,

HEREBY DENY the Application.

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

Done this 23rd day of July 2026,
At Arusha,
Tanzania.



Judge Graciela Gatti Santana
President



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Case Name/ Affaire :	Prosecutor v. Jean de Dieu Kamuhanda		Case Number/ Affaire n° : MICT-13-33-ES.1
Date Created/ Daté du :	23 July 2026	Date transmitted/ Transmis le :	23 July 2026
		Number of Pages/ Nombre de pages :	5
Original Language/ Langue de l'original :	☒ English/ Anglais	☐ French/ Français	☐ Kinyarwanda
		☐ B/C/S	☐ Other/ Autre (specify/ préciser):
Title of Document/ Titre du document :	Decision on the Application for Early Release of Jean de Dieu Kamuhanda		
Classification Level/ Catégories de classification :	☒ Public/ Document public	☐ Ex Parte Defence excluded/ Défense exclue	☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu
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