

**INTERNATIONAL RESIDUAL MECHANISM FOR
CRIMINAL TRIBUNALS**

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Before: Judge Graciela Gatti Santana, President

Registrar: Mr Abubacarr M. Tambadou

Date: 19 June 2026

THE PROSECUTOR

versus

Jean **KAMBANDA**

Case no. ICTR-97-23

JEAN KAMBANDA'S APPLICATION FOR EARLY RELEASE

Office of the Prosecutor:

Mr Serge Brammertz

Defence Counsel:

The applicant is representing himself

I. INTRODUCTION

1. The applicant hereby submits to Her Honour, Judge Graciela Gatti Santana, President of the Mechanism, this application for early release pursuant to the 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 of 1 July 2024.

II. FACTUAL BACKGROUND

2. Jean Kambanda, prime minister of Rwanda from 8 April 1994, was arrested on 17 July 1997 in Nairobi (Kenya). He was kept detained in isolation for a long period of time in Dodoma, where agents of the Prosecutor used psychological torture and numerous forms of detention to coerce him into entering a plea of guilty to genocide and other crimes against humanity committed in Rwanda.
3. On 1 May 1998, Jean Kambanda pleaded guilty and undertook to cooperate with the Prosecutor in other cases before the ICTR.¹ The prospect was then dangled in front of him of a substantial reduction in his sentence and support for his family.
4. On 4 September 1998, Jean Kambanda was sentenced to life imprisonment, the heaviest sentence the ICTR could impose. Despite this unfavourable sentence, he continued to cooperate with the Prosecutor's investigations and in various cases then underway before the ICTR.
5. In order to serve his sentence, Jean Kambanda has been imprisoned, respectively, in Tanzania, The Hague (Netherlands), in Bamako and Koulikoro (Mali) and currently in Sébikotane (Senegal).
6. On 20 April 2026, fearing for his life, Jean Kambanda sent a Request for Protection against Transfer to Rwanda, a copy of which is annexed herewith. This application for early release incorporates it.

III. LEGAL ARGUMENTS

7. Under Senegalese law, persons sentenced to life imprisonment are eligible for conditional release after serving a maximum of 25 years' imprisonment. Jean Kambanda, sentenced

¹ Trial Chamber Judgement, Jean Kambanda, Case no. ICTR-97-23-S, para. 47.

to life imprisonment, has just completed 29 years in detention. Next year, he will have served 30 years' imprisonment and will therefore be eligible for early release in accordance with the requirements of the Mechanism's Practice Direction on this subject.

8. In accordance with the Practice Direction, "a convicted person serving a sentence under the supervision of the Mechanism will generally be eligible to be considered for early release only upon having served two-thirds of his or her sentence as imposed by the ICTR, the ICTY, or the Mechanism". In any case, an application may be submitted before this time has elapsed.²

IV. HUMANITARIAN REASONS

9. Following a lengthy period of detention in isolation in Dodoma, Tanzania, and a prolonged period of imprisonment and given his advanced age, Jean Kambanda's health has weakened significantly. His lower limbs have become deformed and are extremely swollen. The attending physician will be able to certify this. Medical treatment, while being close to his family, would be more suitable following the requested early release.

V. CONCLUSION

10. Considering all the foregoing reasons, the applicant kindly asks the President to:
 - admit this application;
 - grant the early release requested.

Sébikotane, 19 June 2026

Jean Kambanda

Self-Represented Applicant

/signed/

Annex: Request for Protection against Transfer to Rwanda of 20 April 2026.

² Articles 7 and 8 of the 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, 1 July 2024.

Sébikotane, 20 April 2026

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To: Ms Graciela Gatti SANTANA
President of the International Residual Mechanism for
Criminal Tribunals
THE HAGUE, THE NETHERLANDS

From: Jean Kambanda
Prime Minister of the Interim Government (April-July 1994)
Sébikotane Prison
PO Box 271 Bargny
SENEGAL
E-mail: macsebikhotane.dap@justice.gouv.sn

Re: Request for Protection against Transfer to Rwanda

Madam President,

I have the honour to submit this request to you seeking protection against being transferred to Rwanda as a witness before the ICTR and the letters rogatory of Judge Bruguière investigating matters concerning the attack on President Juvénal Habyarimana's plane on 6 April 1994. This attack is considered to be the event that triggered the genocide and other crimes against humanity that followed it. I hereby submit before you relevant information in order to enable you to make a well-informed decision on my protection at a time when discussions are underway regarding the transfer to third States of the Mechanism's residual functions. I lay particular emphasis on the transfer of supervision of my sentence enforcement.

It was with disbelief that I learned, through the United Nations Secretary General's Report of 1 December 2025, that Rwanda was prepared to take on this function for all persons convicted by the ICTR/MICT and was calling for them to be transferred. Moreover, I have discovered through the media that *the Registrar is to have stated and made it clear to the Rwandan authorities that the fate of the prisoners under the Mechanism's purview has already been sealed and that they will be transferred to Rwanda to complete their sentences (implying: end their lives!)*.¹

The following facts deserve your attention and must guide your decision in this matter.

A. HISTORICAL CONTEXT

1. As Prime Minister of the Interim Government between 9 April and 17 July 1994, I cooperated freely and voluntarily with the International Criminal Tribunal for Rwanda from its establishment. I hoped then to work to search for the truth for the purposes of justice that would serve as a foundation for the reconciliation of the Rwandan people whom I had

¹ See Letter from the Representative of the UN Prisoners in Benin of 3 April 2026, sent to the President of the Mechanism.

represented. Following my arrest and unjustified isolation in 1997, risking my life and the lives of my family, I did not hesitate to denounce all those responsible for the crimes and other serious human rights violations that plunged my country into grief, for which I had received reliable information, both from the government and from the RPF.

2. Unfortunately, having received my relevant information relating to the government side, the ICTR Prosecutor abruptly and unilaterally broke off collaboration, to cover up the crimes of the RPF for which he nevertheless possessed documents containing irrefutable evidence. The following were among the documents I sent to him:

- (1) a detailed investigation into the massacres committed by President Kagame and his regimes;
- (2) a detailed list containing all the alleged perpetrators of these massacres, the names of the victims and the dates and locations of these massacres, information on the existence of clandestine brigades deployed in the country and involved in the killings;
- (3) a partial list of the pits dug by units in the pay of President Kagame well before the fateful date of 6 April 1994, to bury their numerous intended victims.

3. I had offered my services as a witness in the trials held before the ICTR against the political, military and administrative officials alleged to be responsible for the crimes of both the government and the RPF. Following some underhanded manoeuvring by the Prosecutor and the promises he failed to keep, I eventually appeared before the ICTR as a **protected witness** for the defence, only in the *Bagosora et al.* case, considered, incorrectly, to be the brain behind the genocide of the Tutsis.

4. Having cunningly extracted a grossly unfair guilty plea from me, in 1998, the ICTR ruthlessly sentenced me to life imprisonment, without having heard my full testimony implicating certain people from both parties to the conflict as responsible for the massacres of the Rwandan population.

5. In my letter of 10 November 2011, addressed to Ms Khalida Rashid Khan, then President of the ICTR, and which I would invite you to read again, I vigorously denounced *these judgements and convictions making clear that the judge would appear at last to have found evidence proving the planning of the genocide of the Tutsis within the cabinet of ministers that I chaired from 9 April to 17 July 1994. I have demonstrated, with supporting evidence, that the planning of the genocide of the Tutsis as well as that of the Hutus is the work of the current president of Rwanda, Paul Kagame.*

B. FACTS AND ARGUMENTS

6. As Prime Minister of the Rwandan Government, in my letter of 7 May 1994 to the United Nations, I was the first person to request an international investigation into the assassination of President Habyarimana, a despicable and cowardly act that plunged my country into darkness;

7. I affirm, loudly and clearly, that Paul Kagame planned, perpetrated and gave the order for the assassination of the President of Rwanda, Juvénal Habyarimana, and Cyprien

Ntaryamira, President of Burundi, and all their colleagues on board the plane that was bringing them back from a peace-seeking mission in Dar es Salaam, Tanzania, on 6 April 1994. The pilots and all the crew on board met their deaths there. I filed a formal complaint before the ICTR accusing President Kagame of this;

8. I denounced and continue to denounce the guilty plea that the Prosecutor's corrupt agents extracted from me while keeping me in isolation, intimidating me and making threats against my family;

9. In October 2003, I was interviewed by investigators working for Judge Jean-Louis Bruguière who was bringing proceedings against the perpetrators of President Habyarimana's assassination, including President Kagame and some of his senior officers. Ms Carla Del Ponte who was then Prosecutor at the ICTR had responded positively to the international request for judicial assistance from the French counterterrorist judge, Jean-Louis Bruguière, "regarding the witness interview of Mr Jean Kambanda on facts relating to the investigation opened on 27 March 1998 into the explosion of Republic of Rwanda's presidential plane on 6 April 1994";

10. I officially opposed the findings of Judge Trévidic (who replaced and contradicted his colleague, Judge Bruguière) that seemed to perpetuate the impunity guaranteed to Kagame and his henchmen;

11. I appeared as a **protected witness** in the Bagosora trial;

12. I have published written works² demonstrating the RPF's involvement in the genocide, some of which were used as exhibits in the trial of Dr Eugène Rwamucyo in France;

13. I am the custodian of a large part of the archives of the interim government which I led; access by unauthorised persons would be detrimental to the Rwandan people and to the investigations to be conducted into those responsible for crimes on all sides;

14. Based on all the investigations I have conducted, I am firmly convinced, and have evidence to support this, that in order to take power, it was indeed Paul Kagame himself who planned the genocide of the Tutsis and even participated directly in its implementation through his army and his militias. The history of the genocide therefore needs to be rewritten, as Ms Carla Del Ponte, Prosecutor at the ICTR stated: "If it is proved that the RPF brought down President Habyarimana's plane, the history of the genocide must be rewritten".

15. I continue to call insistently for an independent international investigation to establish responsibility for the attack of 6 April 1994. This is the only way to counter the last attempt by Paul Kagame's dictatorial regime to bury the truth of its responsibility in the Rwandan tragedy. This is the price that must be paid to reconcile the Rwandan people.

16. My government was involved in an armed conflict, opposing the RPF that is currently in power in Kigali. It would be unthinkable for the regime led by this RPF to be authorised to supervise the enforcement of my sentence pronounced by the ICTR;

² Among these works is the bilingual (French-English) book, translated into Kinyarwanda: **Les Interahamwe du FPR – Au Cœur de la planification du génocide au Rwanda; Interahamwe, RPF Killers – The mastermind of the Genocide in Rwanda**, Éditions Sources du Nil, Lille, France, 2020.

17. The regime in Kigali, born of a war of aggression launched from Uganda, whose senior leaders stand accused of acts of genocide and crimes against humanity committed in Rwanda, is characterised by a large-scale campaign of lies, slander and accusations in a mirror, and maintains its position using terror, intrigue and by suppressing the truth and freedom of expression.

18. This regime has proven sufficiently that it respects neither the Rwandan people nor the International Community, in particular by trampling underfoot the accords it signed on 4 August 1993 in Arusha and, above all, most recently and before the eyes of the world, by violating the Washington Accords, signed on 4 December 2025, between it and the DRC in the presence of the President of the United States as guarantor. There is nothing to guarantee that it would respect undertakings imposed upon it by the UN for supervision of the enforcement of sentences of persons convicted by the Mechanism.

19. I am therefore a political prisoner and I was prosecuted, convicted and imprisoned, just like most of my colleagues, for political reasons. Forced repatriation to Rwanda in order to serve my sentence there, under the supervision of my political adversaries in the RPF would violate the norms and customs prohibiting the return of political refugees to the country they fled and which cannot adequately protect them. You will recall that there was an immediate outcry opposing such a transfer to Rwanda of ICTR/MICT prisoners in Mali when, in 2017, the Malian Minister of Justice was visiting Rwanda and promised the Rwandan authorities to send the prisoners to them as soon as he returned to his country.³

C. REQUEST

Considering all the information set out above, I would ask you, Madam President, to reassure me of my protection, of that of my family and of all my colleagues currently under the protection of the Mechanism in various countries outside Rwanda, and of any other person who appears in my case-file and whose identity would be revealed in the event of my being transferred to Rwanda, regarding which, I hereby notify you, I **categorically refuse**. I would ask you most respectfully neither to contemplate nor to implement the transfer of Mechanism prisoners to Rwanda. Their host countries have hitherto respected their undertakings in this matter and I would ask that they continue to receive your administrative, financial and logistical support.

With kind regards,

Jean Kambanda
/signed/

³ See letter from Mr John Philpot of 20 March 2017, sent to Mr Mamadou Ismaïla Konate, Malian Minister of Justice and Human Rights.