UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

Case No.: MICT-13-32-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 KAMBANDA

PUBLIC

DECISION ON THE APPLICATION FOR EARLY RELEASE OF JEAN KAMBANDA

Mr. Jean Kambanda

Republic of Senegal

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

BEING SEISED of a direct petition for early release filed by Mr. Jean Kambanda on 25 June 2026 ("Kambanda" and "Application", respectively);[1]

NOTING that, in July 1997, Kambanda was arrested in the Republic of Kenya and transferred to the United Nations Detention Facility of the International Criminal Tribunal for Rwanda ("ICTR");[2]

NOTING that, on 4 September 1998, Trial Chamber I of the ICTR: (i) convicted Kambanda of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, as well as murder and extermination as crimes against humanity; and (ii) sentenced him to life imprisonment;[3]

NOTING that, on 19 October 2000, the Appeals Chamber of the ICTR affirmed Kambanda's convictions and the sentence of life imprisonment;[4]

NOTING that Kambanda was thereafter transferred to the Republic of Mali to serve the remainder of his sentence[5] and subsequently to the Republic of Senegal;[6]

NOTING Kambanda's submissions that: (i) under Senegalese law, persons sentenced to life imprisonment are eligible for conditional release "after serving a maximum of 25 years of imprisonment", whereas he has already served 29 years; and (ii) in light of his significantly weakened health following the lengthy period of his detention and imprisonment and given his advanced age, medical treatment while being close to his family "would be more suitable";[7]

[1] Requ[ê]te de Jean Kambanda aux fins d'une lib[é]ration anticip[é]e, 25 June 2026. An English translation of the Application was filed on 26 June 2026. *See* Jean Kambanda's Application for Early Release, 26 June 2026. All references herein are to the English translation of the Application.
[2] *Prosecutor v. Jean Kambanda*, Case No. ICTR-97-23-S, Judgement and Sentence, 4 September 1998 ("Trial Judgement"), para. 1.
[3] Trial Judgement, pp. 27-28.
[4] *Jean Kambanda v. Prosecutor*, Case No. ICTR-97-23-A, Judgement, 19 October 2000, p. 39.
[5] *Prosecutor v. Jean Kambanda*, Case No. ICTR-97-23-S, Order Designating the State in Which Jean Kambanda is to Serve his Prison Sentence, 23 November 2001 (confidential), p. 3.
[6] Order Designating the State in Which Jean Kambanda is to Serve the Remainder of his Sentence, 16 December 2021, pp. 2-3.
[7] Application, paras. 7, 9. *See also* Application, paras. 3-4 (referring to his cooperation with the Office of the Prosecutor of the ICTR).

NOTING also that Kambanda incorporates a request for protection against his transfer to the Republic of Rwanda ("Rwanda");[8]

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;[9]

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;[10]

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[8] Application, para. 6, Annex. I note that the annex contains Kambanda's substantive arguments concerning his possible transfer to Rwanda. This is contrary to the applicable Practice Direction, which provides that any appendix shall not contain legal or factual arguments. *See* Practice Direction on Lengths of Briefs and Motion, MICT/11/Rev.1, 20 February 2019 ("Practice Direction"), para. 16. Considering that Kambanda is self-represented and that the Application, including the annex, does not exceed the allowed word limit of 3,000 words (*see* Practice Direction, para. 15), I will consider the filing as valid. I further note, however, that my Office already responded to Kambanda's letter contained in the annex. *See* Letter from President's *Chef de Cabinet* and Principal Legal Adviser to Kambanda, dated 12 May 2026 (confidential).

[9] 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 Mechanism ("Rules") reflect the President's power to deal with such requests, which is also consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism. *See also* Agreement Between the Republic of Senegal and the United Nations on the Enforcement of Sentences Pronounced by the International Criminal Tribunal for Rwanda, dated 22 November 2010, Articles 3(1), 8(1), 8(3).

[10] *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.

RECALLING further that serving two-thirds of a sentence has been described as being "in essence, an admissibility threshold",[11] 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;[12]

CONSIDERING that eligibility under the national law of the enforcement State does not impact a convicted person's eligibility for early release before the Mechanism;[13]

CONSIDERING that a person sentenced to life imprisonment by the ICTR, the ICTY, or the Mechanism may be considered eligible for early release[14] and that the applicable eligibility threshold in such cases is "more than 30 years";[15]

CONSIDERING that, having served approximately 29 years of his sentence, Kambanda has not yet reached the applicable threshold and is, therefore, not eligible to be considered for early release;

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;[16]

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.

[11] *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 Early Release of Paul Bisengimana and on Motion to File a Public Redacted Application, 11 December 2012 (public redacted) ("*Bisengimana* Decision"), para. 19.

[12] *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.

[13] *See Prosecutor v. Matthieu Ngirumpatse*, Case No. MICT-14-73-ES.2, Decision on the Application for Commutation of Sentence or Early Release of Matthieu Ngirumpatse, 9 October 2024 (public redacted), para. 22.

[14] *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.

[15] 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, 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.

RECALLING that previous decisions on early release have determined that the state of the convicted person's health may be taken into account in the context of an application for early release, especially when the seriousness of the condition makes it inappropriate for the convicted person to remain in prison any longer;[17]

CONSIDERING that Kambanda's submissions on his advanced age and health problems do not demonstrate compelling or exceptional circumstances that may overcome the fact that he has not yet met the eligibility threshold;[18]

CONSIDERING also that the fact that a convicted person has spent a long period in detention and imprisonment cannot, in itself, constitute sufficient grounds for early release;[19]

CONSIDERING further 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 that, as no Judges who imposed the sentence upon Kambanda are Judges of the Mechanism, I have consulted with Judge Jean-Claude Antonetti and Judge Fatimata Sanou Touré;[20]

CONSIDERING further that Judge Antonetti and Judge Touré share my position that Kambanda is not yet eligible to be considered for early release at this stage and, additionally, Judge Antonetti highlights the discrepancy that would be created if Kambanda is released while others holding less senior positions at the time of the crimes, who were convicted by Rwandan courts, remain in prison, and Judge Touré points to the lack of any medical evidence demonstrating compelling circumstances that render Kambanda's detention incompatible with human dignity;

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[16] *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.

[17] *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 6 July 2026 (public redacted) ("*Krstić* Decision of 6 July 2026"), para. 53; *Martić* Decision, para. 74; *Prosecutor v. Ljubiša Beara*, Case No. MICT-15-85-ES.3, Public Redacted Version of 7 February 2017 Decision of the President on the Early Release of Ljubiša Beara, 16 June 2017, paras. 47-49.

[18] *See Mladić* Decision of 14 May 2026, para. 28; *Prosecutor v. Zdravko Tolimir*, Case No. MICT-15-95-ES, Public Redacted Version of the "Decision on Motion for Provisional Release" Filed on 28 January 2016, 23 February 2016, para. 9.

[19] *See Krstić* Decision of 6 July 2026, para. 24; *Martić* Decision, para. 32; *Prosecutor v. Bruno Stojić*, Case No. MICT-17-112-ES.3, Decision on the Application for Early Release of Bruno Stojić, 17 January 2024 (public redacted), para. 100.

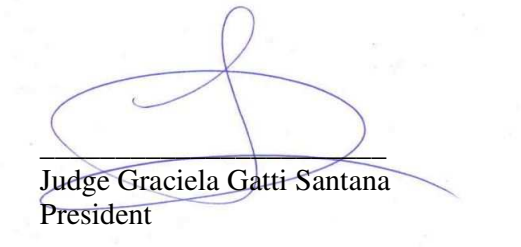
[20] *See* Rule 150 of the Rules; Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, or Early Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism, MICT/3/Rev.4, 1 July 2024, para. 16.

FINDING that Kambanda 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

UNITED NATIONS
International Residual Mechanism
for Criminal Tribunals

NATIONS UNIES
Mécanisme international appelé à exercer
les fonctions résiduelles des Tribunaux pénaux

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