

MIC-12-10  
16-07-2013  
(340bis - 337bis)

Translation

340bis  
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UNITED NATIONS **Mechanism for International Criminal Tribunals (MICT)**

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Before: Honourable Judge Theodor Meron, President of the Mechanism

Registrar: Mr John Hocking

Date: 26 April 2013

**THE PROSECUTOR**

v.

**OBED RUZINDANA**

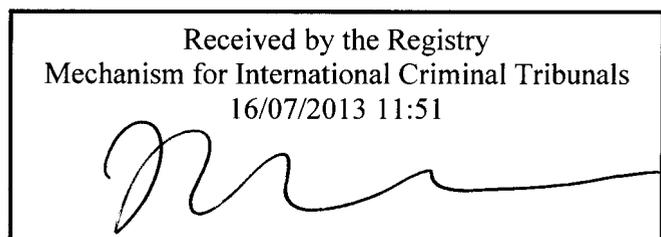
*Case No. ICTR-95-1*

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**MR OBED RUZINDANA'S REQUEST FOR EARLY RELEASE**

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Mr President of the Mechanism,

I have the honour of appealing to your authority to request my early release for the following reasons:

1. I was arrested on 20 September 1996 in Nairobi, Kenya, and transferred to the UNDF on 22 September 1996. I pleaded not guilty to the charges brought against me.<sup>1</sup>
2. I was sentenced to a term of imprisonment of 25 years by the Trial Chamber on 21 May 1999, and the sentence was upheld by the Appeals Chamber on 1 June 2001. As the Appeals Chamber Judgement is final, I was transferred to Mali on 9 December 2001, where I am serving my sentence in accordance with the agreement between the United Nations and Mali signed on 12 February 1999. According to my calculations, on 20 May 2013 I will have served two-thirds (2/3) of my sentence.
3. I hereby appeal to your authority to request my early release, because I will soon complete two-thirds of my sentence and I have demonstrated good conduct throughout my detention. The prison authorities can confirm that.

**Applicable law:**

4. According to the relevant Practice Direction, a convicted person may directly petition the President for pardon, commutation of sentence, or early release, if he believes that he is eligible.<sup>2</sup>

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<sup>1</sup> Trial Judgement ICTR-95-1-T, 21 May 1999, para. 15.

<sup>2</sup> Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, and Early Release of Persons Convicted by the ICTR, the ICTY or the Mechanism, Article 3.

5. This Direction specifies that in cases involving applications for early release, in the event that the President decides that early release is not appropriate, the decision shall specify the date on which the convicted person will next become eligible for consideration for early release.
6. Furthermore, Rule 126 of the MICT Rules stipulates that in determining whether pardon or commutation of sentence is appropriate, the President shall take into account, *inter alia*, the treatment of similarly-situated prisoners and the prisoner's demonstration of rehabilitation.

**The arguments:**

7. The practice of the ICTY, in contrast to that of the ICTR, is that requests for early release have been granted to detainees who served at least two-thirds of their sentences. The MICT Rules cited above suggest that in determining whether commutation of sentence is appropriate, the treatment of similarly-situated prisoners, *inter alia*, has to be taken into consideration.
8. It is important to note that, since the establishment of the MICT, the jurisprudence on this issue has clearly evolved in favour of the persons convicted by the ICTR. For example, in the *Bisengimana* Case, the President of the Mechanism is of the opinion that there is no reason why the persons convicted by the ICTR and the ICTY should not receive the same treatment, as long as they are supervised by the same Mechanism. Thus, on the basis of the principle of fairness, the persons convicted by the ICTR who have served two-thirds of their sentence are also eligible for early release.<sup>3</sup>

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9. Therefore, Mr President, I appeal to you to grant me early release, because I am in the same situation as Paul Bisengimana and I have demonstrated good conduct throughout my imprisonment, both towards my fellow inmates and towards the prison authorities.
  
10. I was born on 20 November 1962. At my age, I still feel that I can be useful to society. I would therefore like to lift the spirits of my family and the people around me. Thus, I wish to ask you to grant me early release and I guarantee to you that I will have no difficulties reintegrating into normal life outside prison.

In the hope that I will receive a positive response from you, I would like to extend to you, Mr President, assurances of my highest consideration.

Koulikoro, Republic of Mali, on 26 April 2013

OBED RUZINDANA

/signed/

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<sup>3</sup> *The Prosecutor v. Paul Bisengimana* (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, paras 20-21.