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**Mechanism for International Criminal Tribunals**

Case no.: MICT-13-37-ES.1

Date: 22 September 2016

Original: French

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**PRESIDENT OF THE MECHANISM**

Before: Judge Theodor Meron, President

Registrar: Mr John Hocking

Filing date:

THE PROSECUTOR  
v.  
FERDINAND NAHIMANA

*UNCLASSIFIED*

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**SUBMISSION ON DOCUMENTS PROVIDED BY REGISTRY AS PART OF  
INVESTIGATION INTO REQUEST FOR EARLY RELEASE FILED BY MR  
FERDINAND NAHIMANA**

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**The Office of the Prosecutor**

Mr Hasan Bubacar Jallow

**Counsel for Ferdinand Nahimana:**

Jean Marie BIJU-DUVAL  
Diana ELLIS, QC  
Joanna EVANS

Received by the Registry  
Mechanism for International Criminal Tribunals

04/10/2016 17:38

*Mwaipopo*

1. In a letter to Mr Ferdinand Nahimana dated 8 September 2016, the Registrar of the Mechanism for International Criminal Tribunals (hereinafter MICT) enclosed six (6) documents from the Ministry of Justice and Human Rights of the Republic of Mali, the Koulikoro prison authorities and a report by the psychiatrist from Pasteur Polyclinic.
2. Each of these documents demonstrated the merits of the request for early release filed by Mr Ferdinand Nahimana. Therefore, Mr Ferdinand Nahimana has no further submissions to add to the ones already presented in his request.
3. The MICT Registrar included in the same letter to Mr Ferdinand Nahimana a memorandum from the Office of the Prosecutor dated 25 August 2016 in which the Office of the Prosecutor indicated, **without objecting to Mr Ferdinand Nahimana's request for early release**, that he had not cooperated at any point with the Office of the Prosecutor.
4. In this regard, Mr Ferdinand Nahimana can only refer to his submission which he put forward in his request (paras 15 and 16), according to which, on the one hand, a lack of cooperation cannot be used as a sufficient ground on which to reject a request for early release and, on the other, that *"throughout the trial and the appeal proceedings, his behaviour was beyond reproach, perfectly respectful of the orders of the Trial Chamber and the Appeals Chamber, never once disturbing or delaying the proceedings. He gave evidence before the Trial Chamber, thus accepting to submit to the questioning by the judges and the Prosecutor. By conducting himself in this manner, he provided useful cooperation in the proper conduct of his trial."* (para. 16 of the Request)
5. Mr Ferdinand Nahimana respectfully requests that the President of the MICT take into consideration the present submission.

For Mr Ferdinand NAHIMANA

Jean-Marie BIJU-DUVAL, Attorney /signed/

Diana ELLIS, QC

Joanna EVANS



**TRANSMISSION SHEET FOR FILING OF TRANSLATIONS  
WITH THE ARUSHA BRANCH OF  
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

<b>To</b>	MICT Registry		
<b>From</b>	<input checked="" type="checkbox"/> ICTY CLSS	<input type="checkbox"/> ICTR LSS	
<b>Original Submitting Party</b>	<input type="checkbox"/> Chambers	<input checked="" type="checkbox"/> Defence	<input type="checkbox"/> Prosecution <input type="checkbox"/> Other
<b>Case Name</b>	Nahimana et al	<b>Case Number</b>	MICT-13-37-ES.1 <b>No. of Pages</b> 2
<b>Original Document No.</b>	MICT-13-37-0043		<b>Translation Reference No.</b> REG48350
<b>Date of Original</b>	22/09/2016	<b>Original Language</b>	<input type="checkbox"/> English <input checked="" type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Date Transmitted</b>	04/10/2016	<b>Language of Translation</b>	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of original document</b>	Observations sur les docusmt transmis par le Greffe dans le cadre de l'instruction de la demande de liberation anticipée deposer par monsieur Ferdinand Nahimana.		
<b>Title of translation</b>	Submission on Documents provided by Registry as part of Investigation into Request for Early Release filed by Mr. Ferdinand Nahimana.		
<b>Classification Level</b>	<input checked="" type="checkbox"/> Unclassified <input type="checkbox"/> Confidential <input type="checkbox"/> Strictly Confidential	<input type="checkbox"/> Ex Parte Defence excluded <input type="checkbox"/> Ex Parte Prosecution excluded <input type="checkbox"/> Ex Parte R86(H) Applicant excluded <input type="checkbox"/> Ex Parte Amicus Curiae excluded <input type="checkbox"/> Ex Parte other exclusion (specify):	
<b>Document type/ Type de document:</b>	<input type="checkbox"/> Indictment	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book <input type="checkbox"/> Notice of Appeal
	<input type="checkbox"/> Warrant	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Submission from non-parties
	<input type="checkbox"/> Motion	<input type="checkbox"/> Correspondence	<input checked="" type="checkbox"/> Submission from parties
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