



**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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**Office of the President  
Cabinet du Président**

Before: Judge Erik Møse, President

Original: English

Registrar: Mr. Adama Dieng

Date: 2 June 2006

**THE PROSECUTOR  
VERSUS  
VINCENT RUTAGANIRA  
ICTR-95-IC-T**

2006 JUN - 2 15 1  
JUDICIAL ARCHIVES  
ICTR

**Decision on Request for Early Release**

**Defence:**

Francois Roux  
Maroufa Diabira  
Soraya Brikci-Laucci

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**THE PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA,**

**SEIZED** of a request for early release from Vincent Rutaganira, dated 5 March 2006;

**RECALLING** that the judgement of 14 March 2005 in the case of *The Prosecutor v. Vincent Rutaganira* convicted Mr. Rutaganira for crime against humanity (extermination) and sentenced him to six years imprisonment, credit given for the period of his incarceration since his transfer to the Tribunal on 4 March 2002;

**CONSIDERING** Rule 125 of the Rules of Procedure and Evidence ("the Rules") which authorises the President to determine any request for commutation of sentence in consultation with the Bureau and any remaining Permanent Judges of the Sentencing Chamber, following notification to the Republic of Rwanda;

**HAVING** carried out such consultation and having notified Rwanda of this request;

**RECALLING** that, in accordance with Article 27 of the Statute, there shall only be pardon or commutation of sentence provided it is in the interests of justice and the general principles of law, as determined by the President, and following notification from the State enforcing the prisoner's sentence that he or she is eligible for such pardon or commutation of sentence in accordance with its applicable law;

**DETERMINES** that this request is admissible even though Mr. Rutaganira's sentence is not being enforced by a designated State, and the Practice Direction of 10 May 2000 does not specify the procedure for early release in cases where convicted prisoners are serving their sentences at the Tribunal's Detention Facility, while awaiting transfer to a designated State;

**CONSIDERING** that, pursuant to Rule 126 of the Rules, the President shall take into consideration the gravity of the crime or crimes for which the prisoner has been convicted, the treatment of similarly-situated prisoners, the prisoner's demonstration of rehabilitation and whether the prisoner substantially cooperated with the Prosecutor;

**RECALLING** that previous requests for commutation of sentence or early release have been made by prisoners who are serving sentences for genocide;

**TAKING INTO ACCOUNT** that, according to the judgement, Mr. Rutaganira, as *Conseiller* for Mubuga *secteur*, did not take any measures to protect the people who sought refuge at the Mubuga church in April 1994, resulting in a large number of deaths and injury to men, women and children, despite having knowledge of imminent attacks on the church;

**CONSIDERING** that, in support of his request, Mr. Rutaganira refers to his voluntary surrender; his guilty plea prior to the commencement of his trial; the assistance he had provided to several victims during the genocide; his personal and family circumstances namely, that he is a married man and a father of five children and his wife has responsibilities in the current Rwandan Government; his sincere expression of remorse and regret for his actions; his good behaviour as a detainee; and his poor state of health;

**NOTING** that these submissions were already taken into consideration by the Trial Chamber when Mr. Rutaganira was sentenced;

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**CONSIDERING** that the plea agreement between the Prosecution and Mr. Rutaganira proposed a sentence of imprisonment in the range of six to eight years; that he was sentenced to six years of imprisonment, credit given for the time he had been incarcerated since his transfer to the Tribunal; and that since his judgment, he has served about fourteen months of his sentence:

**DETERMINES** that Mr. Rutaganira's request for commutation shall not be granted, having considered the interests of justice and the general principles of law.

**FOR THE ABOVEMENTIONED REASONS,**

**DENIES** this request.

Arusha, 2 June 2006



Erik Møse  
President

(Seal of the Tribunal)