

MICT-13-36  
26-07-2018  
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UNITED  
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International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-36

Date: 26 July 2018

Original: English

THE PRESIDENT

Before: Judge Theodor Meron

Registrar: Olufemi Elias

THE PROSECUTOR

v.

LAURENT SEMANZA

*Public*

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PETITION FOR EARLY RELEASE  
ON 26 MARCH 2019

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Office of the Prosecutor:  
Serge Brammertz

Laurent Semanza:  
Peter Robinson

Received by the Registry  
International Residual Mechanism for Criminal Tribunals  
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*Tuval popo*

### **The Petition**

1. Laurent Semanza hereby petitions the President, pursuant paragraph 3 of the *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* (24 May 2018)(“*Practice Direction*”), and Rule 150 of the Rules of Procedure and Evidence, for early release on 26 March 2019, when he will have served two-thirds of his sentence.<sup>1</sup>

### **Eligibility under national law**

2. The President is requested to direct the Registrar to contact the government of Mali, where Mr. Semanza is serving his sentence, to confirm, pursuant to paragraph 3(b) of the *Practice Direction*, that Mr. Semanza remains eligible for early release under its domestic law.<sup>2</sup>

### **Reports from national authorities**

3. The President is further requested to direct the Registrar to obtain from the government of Mali, pursuant to paragraph 4(b) of the *Practice Direction*, all relevant reports and observations on Mr. Semanza’s behavior and all psychiatric or psychological reports concerning Mr. Semanza.<sup>3</sup>

4. In addition, because Mr. Semanza’s health is poor, it is respectfully requested that the President direct the Registrar to obtain updated reports on Mr. Semanza’s medical condition from the government of Mali. The ill health of a prisoner is a relevant consideration for early release.<sup>4</sup>

### **Cooperation with the Prosecution**

5. The President has previously found, correctly, that Mr. Semanza did not provide cooperation to the Office of the Prosecutor during his case.<sup>5</sup> This situation has

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<sup>1</sup> See *Decision of the President on the Early Release of Laurent Semanza* (9 June 2016), para. 20:

“Semanza will have served two-thirds of his sentence of 34 years and six months on 26 March 2019.”

<sup>2</sup> See *Decision of the President on the Early Release of Laurent Semanza* (9 June 2016), para. 11: “The Malian authorities state that Semanza meets the conditions set out in Malian legislation for parole or semi-custodial treatment.”

<sup>3</sup> See *Decision of the President on the Early Release of Laurent Semanza* (9 June 2016), para. 26: “The Psychiatric Report, the Ministry of Justice and Human Rights of Mali, as well as the warden’s description of Semanza’s behaviour while in prison, suggest that Semanza is capable of reintegrating into society if he is released.”

<sup>4</sup> *Decision of the President on the Early Release of Laurent Semanza* (9 June 2016), para. 31.

<sup>5</sup> *Id.*, para. 30.

not changed. Nevertheless, it may be prudent, pursuant to paragraph 4(c) of the *Practice Direction*, to request that the Prosecution state its position on the matter of Mr. Semanza's cooperation or lack thereof.

### **Other Information**

6. In the most recent early release petitions by persons convicted at the ICTR, the President has, pursuant to paragraph 4(d) of the *Practice Direction*, invited the Government of Rwanda to state its views on the early release of the convicted person.<sup>6</sup> Mr. Semanza has no objection to this procedure. He acknowledges that there was a genocide against the Tutsi in Rwanda in 1994 and expresses his deepest sympathy to the victims and their families.

7. Mr. Semanza is filing his petition eight months in advance of the date on which he seeks to be released (26 March 2019) to give the President ample time to solicit and consider information from the governments of Mali and Rwanda, and the Office of the Prosecutor and issue a decision at least seven days before 26 March 2019.<sup>7</sup>

8. Mr. Semanza declines to consent to the release of the information provided by the government of Mali pursuant to paragraph 4 of the *Practice Direction*, and therefore there is no need to await the receipt of that information before requesting the views of the government of Rwanda.<sup>8</sup>

9. Given the delay that has occurred in other early release cases, Mr. Semanza requests that the President solicit submissions from the government of Rwanda at the outset of this process and that, pursuant to paragraph 6 of the *Practice Direction*, Mr. Semanza be given an opportunity to be heard on the information provided to the President by the governments of Mali and Rwanda and the Office of the Prosecutor.

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<sup>6</sup> *Prosecutor v Simba*, No. MICT-14-62-ES.1, *Request to Republic of Rwanda related to Application for Early Release from Mr. Aloys Simba* (26 April 2018); *Prosecutor v Ntawukulilyayo*, No. MICT-13-34-ES.1, *Request to Republic of Rwanda related to Application for Early Release from Mr. Dominique Ntawukulilyayo* (26 April 2018); *Prosecutor v Ngeze*, No. 13-37-ES.2, *Request to Republic of Rwanda related to Application for Early Release from Mr. Hassan Ngeze* (26 April 2018)

<sup>7</sup> *Practice Direction*, para. 9: "The Decision of the President shall be rendered at least 7 days prior to the date of eligibility, where possible."

<sup>8</sup> *Practice Direction*, para. 8; *Prosecutor v Ntawukulilyayo et al*, No. MICT-13-34-ES, *Decision on Supplementary Request for Documents by the Government of Rwanda* (12 July 2018), para. 22

**Conditions of Early Release**

10. Mr. Semanza notes that in Resolution 2422 (27 June 2018), the United Nations Security Council encouraged the Mechanism to consider putting in place conditions on early release in appropriate cases.<sup>9</sup> He would be amenable to reasonable conditions, including a condition that he not engage in any activity, or make any statements, negating or denying the genocide.

**Conclusion**

11. Mr. Semanza respectfully requests that the President initiate the procedure for consideration of his early release, and, at the conclusion of the process, grant him early release effective 26 March 2019.

Word count: 956

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Robinson". The signature is written in a cursive, flowing style with large, connected letters.

PETER ROBINSON  
Counsel for Laurent Semanza

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<sup>9</sup> S/RES/2422 (2018), para. 10



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