

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

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Case No.: MICT-23-127

Date: 27 January 2023

Original: English

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**BEFORE A SINGLE JUDGE**

**Before: Judge Carmel Agius**

**Registrar: Mr. Abubacarr M. Tambadou**

**Order of: 27 January 2023**

**IN THE MATTER OF  
FERDINAND NAHIMANA**

***PUBLIC***

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**ORDER FOR SUBMISSIONS**

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**Counsel for Mr. Ferdinand Nahimana:**

Mr. Jean-Marie Biju-Duval  
Ms. Diana Ellis  
Ms. Joanna Evans

**I, CARMEL AGIUS**, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;<sup>1</sup>

**NOTING** that, on 3 December 2003, a trial chamber of the International Criminal Tribunal for Rwanda (“ICTR”) convicted Mr. Ferdinand Nahimana of genocide, conspiracy and direct and public incitement to commit genocide, and persecution and extermination as crimes against humanity, sentencing him to life imprisonment<sup>2</sup> and that, on 28 November 2007, the ICTR Appeals Chamber reversed, in part, Nahimana’s convictions and reduced his sentence to 30 years of imprisonment;<sup>3</sup>

**NOTING** that, on 3 December 2008, Nahimana was transferred to the Republic of Mali (“Mali”) to serve his sentence and that, having been granted early release on 22 September 2016, he has since remained in Mali;<sup>4</sup>

**BEING SEISED OF** a motion filed on 23 January 2023,<sup>5</sup> in which Nahimana requests that the Registrar of the Mechanism (“Registrar”) be instructed to provide him with: (i) a subsistence allowance of 10,000 United States Dollars (“USD”), a housing allowance of 1,560 USD, and funds to cover medical expenses; and (ii) diplomatic assistance with his visa application for family reunification in the Kingdom of Belgium;<sup>6</sup>

**CONSIDERING** that, before deciding on the Motion, it would be beneficial to receive submissions from the Registrar in response to the Motion;

**FOR THE FOREGOING REASONS,**

**HEREBY INSTRUCT** the Registrar to file submissions in response, enclosing any relevant documents that may be necessary, no later than Friday, 10 February 2023; and

**INVITE** Nahimana to file submissions in reply, if any, enclosing any relevant documents that may be necessary, no later than Friday, 24 February 2023.

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<sup>1</sup> Order Assigning a Single Judge to Consider a Motion, 26 January 2023 (“Order of 26 January 2023”), p. 1.

<sup>2</sup> *The Prosecutor v. Ferdinand Nahimana et al.*, Case No. ICTR-99-52-T, Judgement and Sentence, 3 December 2003, paras. 1092, 1105.

<sup>3</sup> *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A, Judgement, 28 November 2007, paras. 1051, 1052, p. 345.


<sup>4</sup> See Motion, paras. 1, 21. See also *Prosecutor v. Ferdinand Nahimana*, Case No. MICT-13-37-ES.1, Decision of the President on the Early Release of Ferdinand Nahimana, 22 September 2016 (confidential), paras. 4, 36.

<sup>5</sup> Request for the MICT to Provide Temporary Humanitarian Aid, 23 January 2023 (originally filed in French; English translation filed on 26 January 2023) (“Motion”). I note that the Motion was filed under Case No. MICT-13-37 and was subsequently re-filed, on 26 January 2023, under the present case number, pursuant to the instruction of the President of the Mechanism. See Order of 26 January 2023, p. 2.

<sup>6</sup> Motion, para. 21. See also Motion, para. 3.

Done in English and French, the English version being authoritative.

Done this 27th day of January 2023,  
At Arusha,  
Tanzania



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Judge Carmel Agius  
Single Judge

**[Seal of the Mechanism]**



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