

**UNITED  
NATIONS**

---



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-22-124

Date: 6 July 2023

Original: English

---

**THE PRESIDENT OF THE MECHANISM**

**Before: Judge Graciela Gatti Santana**

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

**Date: 6 July 2023**

**IN THE MATTER OF**

**FRANÇOIS-XAVIER NZUWONEMEYE  
PROSPER MUGIRANEZA  
PROTAIS ZIGIRANYIRAZO  
ANATOLE NSENGIYUMVA  
ALPHONSE NTEZIRYAYO  
ANDRÉ NTAGERURA  
INNOCENT SAGAHUTU**

**PUBLIC  
WITH CONFIDENTIAL AND CONFIDENTIAL AND *EX PARTE*  
ANNEXES**

---

**REGISTRAR'S THIRD BI-MONTHLY SUBMISSION IN RELATION  
TO THE "FURTHER INSTRUCTION TO THE REGISTRAR" OF 19  
DECEMBER 2022**

---

**Counsel for the Relocated Persons**

Mr. Peter Robinson for Mr. François-Xavier Nzuwonemeye  
Ms. Kate Gibson for Mr. Prosper Mugiraneza  
Mr. John Philpot for Mr. Protais Zigiranyirazo  
Ms. Allison Turner for Mr. Anatole Nsengiyumva  
Mr. Iain Edwards for Mr. Alphonse Nteziryayo  
Mr. Philippe Larochelle for Mr. André Ntagerura  
Mr. Jean Flamme for Mr. Innocent Sagahutu

## I. INTRODUCTION

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals (“Mechanism”), I respectfully file this third bi-monthly submission (“Submission”)<sup>1</sup> in accordance with the “Further Instruction to the Registrar” dated 19 December 2022 (“Further Instruction”).<sup>2</sup>

## II. PROCEDURAL HISTORY

2. In the Further Instruction, you instructed me to, *inter alia*, file on the judicial record, every 60 days from 4 January 2023, reports on my efforts to find a solution for the eight persons who were relocated to the Republic of Niger (“Niger”) following their acquittal by the International Criminal Tribunal for Rwanda or their release upon having served their respective sentences (“Relocated Persons”), in line with the Mechanism’s duty of care towards them.<sup>3</sup>
3. On 6 March and 8 May, I filed the first and second bi-monthly reports.<sup>4</sup>

## III. SUBMISSION

4. This Submission sets out my and my Office’s continued efforts from 8 May to 30 June in finding relocation States to host the Relocated Persons, in collaboration with their Counsel and families, and provides an update on the coverage of the Relocated Persons’ medical expenses.

### A. *Collaboration with Counsel and the Relocated Persons’ families*<sup>5</sup>

#### i. *Mr. Prosper Mugiraneza*

---

<sup>1</sup> This Submission is filed with confidential and confidential *ex parte* annexes as reference is made to matters that may be deemed sensitive, including correspondence between Counsel and the Registry.

<sup>2</sup> *In the Matter of François-Xavier Nzuwonemeye et al.*, Case No. MICT-22-124 (“*Nzuwonemeye et al.*”), Further Instruction to the Registrar, public, 19 December 2022 (“Further Instruction”).

<sup>3</sup> Further Instruction, p. 3 (internal footnotes omitted).

<sup>4</sup> *Nzuwonemeye et al.*, Registrar’s First Bi-monthly Submission in Relation to the “Further Instruction to the Registrar” of 19 December 2022, public with confidential annexes, 6 March 2023; *Nzuwonemeye et al.*, Registrar’s Second Bi-monthly Submission in Relation to the “Further Instruction to the Registrar” of 19 December 2022, public with confidential and confidential and *ex parte* annexes, 8 May 2023 (“Second Bi-monthly Submission”). The Registry also filed a submission on 3 January 2023, concerning an overview of my efforts in 2022 to address the Relocated Persons’ situation. See *Nzuwonemeye et al.*, Public Redacted Version of “Registrar’s Submission in Relation to the ‘Further Instruction to the Registrar’ of 19 December” of 3 January 2023, public with public redacted annexes, 3 March 2023.

<sup>5</sup> For letters on or after 8 May 2023 that are referred to in paragraphs 6 to 11, see confidential and *ex parte* Annex A.

5. In my Second Bi-monthly Submission, I referred to the receipt of correspondence dated 13 and 28 March 2023 from Mr. Prosper Mugiraneza's Counsel and family. The letters detailed Mr. Mugiraneza's and his family's difficulties in submitting a family reunification application to a potential relocation State, provided copies of their correspondence to the respective national authorities, and requested my Office's diplomatic assistance to support the application.<sup>6</sup> Further, Counsel's email on 21 April requested diplomatic assistance concerning a family reunification application to a second potential relocation State.<sup>7</sup>
6. On 15 May, my Office sent a *note verbale* to the second potential relocation State and informed Counsel of this.<sup>8</sup> On 16 May, Counsel requested that my Office meet with the relevant authorities of the second potential relocation State.<sup>9</sup> On 6 June, Counsel sought an update regarding the second potential relocation State. My Office continues to follow up with the relevant State authorities to seek a virtual meeting and will update Counsel accordingly.
7. Following a detailed review of the materials provided by Counsel, on 16 June my Office requested additional information further to what had already been received in order to provide the appropriate diplomatic support.<sup>10</sup>

*ii. Mr. François-Xavier Nzuwonemeye*

8. Further to the communication exchange mentioned in my Second Bi-monthly Submission concerning Mr. François-Xavier Nzuwonemeye's application for a long-term visa,<sup>11</sup> his Counsel sent my Office an email on 8 May requesting a *note verbale* in support of the application.<sup>12</sup> The *note verbale* to the relevant State will be sent following translation.
9. On 17 June, Counsel sent me a letter proposing, *inter alia*, additional actions for finding another relocation State.<sup>13</sup> My Office and I are considering the suggestions and a response to Counsel is forthcoming.

---

<sup>6</sup> See Second Bi-monthly Submission, para. 7.

<sup>7</sup> See Second Bi-monthly Submission, para. 8.

<sup>8</sup> Letter from Registrar Tambaou to Kate Gibson, 15 May 2023.

<sup>9</sup> Email from Kate Gibson to the Office of the Registrar, 16 May 2023.

<sup>10</sup> Letter from Registrar Tambaou to Kate Gibson, 16 June 2023. Details of my letter dated 13 February 2023 can be found in my Second Bi-monthly Submission, para. 6.

<sup>11</sup> See Second Bi-monthly Submission, para. 9.

<sup>12</sup> Email from Peter Robinson to Registrar Tambaou, 8 May 2023.

<sup>13</sup> Letter from Peter Robinson to Registrar Tambaou, 17 June 2023.

*iii. Mr. André Ntagerura*

10. On 22 May, my Office received a letter from Mr. André Ntagerura, highlighting that one of the potential relocation States mentioned in the Second Bi-monthly Submission<sup>14</sup> has been hosting his relatives and that they are willing to help him settle in the State.<sup>15</sup> My Office has reached out to this State to seek a virtual meeting. A response to Mr. Ntagerura is forthcoming.

*iv. Mr. Anatole Nsengiyumva*

11. On 5 June, my Office received a letter from Mr. Anatole Nsengiyumva's Counsel concerning information on Mr. Nsengiyumva that should be shared with potential relocation States, and past attempts to relocate him.<sup>16</sup> A response to this letter is forthcoming.

*B. Exchanges with potential relocation States<sup>17</sup>*

12. On 9 and 23 May and 13 June, my Office followed up with the potential relocation State mentioned in paragraph 12 of my Second Bi-monthly Submission, reiterating our proposal to meet with the relevant national authorities in order to provide additional information. A response is awaited.

13. On 9 May, my Office followed up with the potential relocation State mentioned in paragraph 14 of my Second Bi-monthly Submission. On the same day, the diplomatic representative responded that all the information, including the Mechanism's call on the situation, had been transmitted to its Ministry of Foreign Affairs. A response is awaited.

14. On 9 May and 20 June, my Office followed up with the potential relocation State mentioned in paragraph 15 of my Second Bi-monthly Submission to organise a virtual meeting with the authorised diplomatic representative. On 25 June, the representative informed my Office that further enquiries needed to be made. A response is awaited.

15. On 8 June, the potential relocation State mentioned in paragraph 16 of my Second Bi-monthly Submission informed the Mechanism *via note verbale* that it is regrettably unable to host any of the Relocated Persons at this time.

---

<sup>14</sup> See Second Bi-monthly Submission, section B (including fn. 12).

<sup>15</sup> Letter from André Ntagerura to Registrar Tambaou, 17 May 2023.

<sup>16</sup> Letter from Allison Turner to Registrar Tambaou, 5 June 2023.

<sup>17</sup> The list of States referred to in this section is contained in confidential Annex B.

16. Finally, my Office continues to collaborate with your Office in considering various avenues to increase the chances of successful relocation of one or more of the Relocated Persons. To this effect, on 19 May, I sent you a memorandum providing the information you requested regarding paragraph 14 of my Second Bi-monthly Submission and welcomed any involvement that you consider fruitful.

*C. Situation regarding the Relocated Persons' medical expenses*

17. Following my Second Bi-monthly Submission, Messrs. Nzuwonemeye, Nsengiyumva, and Mugiraneza indicated, *inter alia*, their consent to my Office sharing their medical information with you.<sup>18</sup> Regarding the other Relocated Persons, as indicated in my Second Bi-monthly Submission, their consent, through Counsel, has yet to be obtained prior to any disclosure of their medical details.<sup>19</sup> As per established practice, upon receipt, my Office will share the medical reports of Relocated Persons' who have provided their consent with your Office as necessary.

18. You will recall that the International Committee of the Red Cross ("ICRC") had previously assumed some of the medical expenses related to the Relocated Persons in the latter part of 2022 and the first quarter of 2023. On 6 June 2023, the ICRC informed my Office that due to a downturn in its financial circumstances, which had resulted in significant general budget cuts, with immediate effect the ICRC would no longer be in the position to assume the previously covered Relocated Persons' medical expenses.

19. Following a number of meetings with the ICRC, in a letter dated 19 June 2023 addressed to all Counsel, I confirmed the ICRC's position on the matter and informed them that moving forward, the Mechanism would cover, *inter alia*, the costs of necessary hospitalisations and/or other medical treatments on a case-by-case basis.<sup>20</sup> Counsel for Messrs. Ntagerura and Sagahutu provided a response.<sup>21</sup>

---

<sup>18</sup> *Nzuwonemeye et al.*, Nzuwonemeye Response to Registrar's Second Bi-monthly Submission, public redacted version, 11 May 2023, para. 17; *Nzuwonemeye et al.*, Anatole Nsengiyumva's Response to Registrar's Second Bi-monthly Submission, public, 25 May 2023, para. 12; *Nzuwonemeye et al.*, Mugiraneza Joindre to "Nzuwonemeye Response to Registrar's Second Bi-monthly Submission" and Further Response, public, 12 May 2023, para. 3.

<sup>19</sup> See Second Bi-monthly Submission, para. 18.

<sup>20</sup> Letter from Registrar Tambaou to Peter Robinson, John Philpot, Philippe Larochelle, Iain Edwards, Kate Gibson, Allison Turner, and Jean Flamme, 19 June 2023. See confidential Annex C.

<sup>21</sup> Email from Philippe Larochelle to Registrar Tambaou, 19 June 2023; Email from Jean Flamme to Registrar Tambaou, 20 June 2023.

20. As per my memorandum to you on 22 June, the ICRC will, however, continue its assistance to the Relocated Persons in other aspects and maintain its frequent communications with my Office on the Relocated Persons' health status and general situation.

21. I remain available should you require any further information from my Office.

Respectfully submitted,



Abubacarr M. Tambadou  
Registrar

Done this 6<sup>th</sup> day of July 2023  
At Arusha,  
Tanzania.



**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

<b>To/ À :</b>	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
<b>From/ De :</b>	<input type="checkbox"/> President / <i>Président</i>	<input type="checkbox"/> Chambers / <i>Chambre</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
	<input checked="" type="checkbox"/> Registrar / <i>Greffier</i>	<input type="checkbox"/> Other/ <i>Autre</i>	<input type="checkbox"/> Defence / <i>Défense</i>
<b>Case Name/ Affaire :</b>	In the Matter of François-Xavier Nzuwonemeye <i>et al.</i>	<b>Case Number/ Affaire n° :</b>	MICT-22-124
<b>Date Created/ Daté du :</b>	6 July 2023	<b>Date transmitted/ Transmis le :</b>	6 July 2023
		<b>No. of Pages/ Nombre de pages :</b>	6
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Other/Autre (specify/préciser):
	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	
<b>Title of Document/ Titre du document :</b>	Registrar's Third Bi-Monthly Submission in Relation to the "Further Instruction to the Registrar" of 19 December 2022		
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i>	
<b>Document type/ Type de document :</b>			
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
<input type="checkbox"/> Decision/ <i>Décision</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input checked="" type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

**II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT**

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>	
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction :</i> (Word version of the document is attached/ <i>La version Word est jointe</i> )	
<input type="checkbox"/> English/ <i>Anglais</i> <input checked="" type="checkbox"/> French/ <i>Français</i> <input checked="" type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre(specify/préciser) :	
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>	
<b>Original/ Original en</b> <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> Other/Autre (specify/préciser) :	
	<input type="checkbox"/> B/C/S
<b>Translation/ Traduction en</b> <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> Other/Autre (specify/préciser) :	
	<input type="checkbox"/> B/C/S
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>	
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :	

Send completed transmission sheet to/ *Veuillez soumettre cette fiche dûment remplie à :*

[JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org) OR/ OU [JudicialFilingsHague@un.org](mailto:JudicialFilingsHague@un.org)

Rev: August 2019/ *Rév. : Août 2019*