

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case Nos.: MICT-13-43, MICT-14-75
MICT-12-27, MICT-22-123
MICT-15-90, MICT-19-119
MICT-19-117

Date: 14 January 2022

Original: English

BEFORE THE DUTY JUDGE

Before: Judge Joseph E. Chiondo Masanche
Registrar: Mr. Abubacarr Tambadou
Order of: 14 January 2022

IN THE MATTER OF

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

PUBLIC

ORDER TO THE REGISTRAR

Counsel for the Relocated Persons

Mr. François-Xavier Nzuwonemeye
Mr. Peter Robinson
Mr. Protais Zigiranyirazo
Mr. John Philpot
Mr. André Ntagerura
Ms. Barbara van Straaten
Mr. Göran Sluiter
Mr. Michiel Pestman
Mr. Alphonse Nteziryayo
Mr. Iain Edwards

Mr. Prosper Mugiraneza
Ms. Kate Gibson
Mr. Anatole Nsengiyumva
Ms. Allison Turner
Mr. Tharcisse Muvunyi
Ms. Abbe Jolles
Mr. Innocent Sagahutu
Mr. Jean Flamme

I, JOSEPH E. CHIONDO MASANCHE, Duty Judge for the Arusha Branch of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) for the month of December 2021 and assigned to this case;¹

NOTING that Mr. François-Xavier Nzuwonemeye, Mr. Prosper Mugiraneza, Mr. Protais Zigiranyirazo, Mr. Anatole Nsengiyumva, Mr. Alphonse Nteziryayo, Mr. Tharcisse Muvunyi, Mr. André Ntagerura, and Mr. Innocent Sagahutu, who were acquitted by the International Criminal Tribunal for Rwanda or released having served their sentences, were relocated to the Republic of Niger on 5 December 2021 pursuant to an agreement signed on 15 November 2021 between the United Nations and Niger (“Relocated Persons” and “Relocation Agreement”, respectively);²

NOTING the order issued by the authorities of Niger on 27 December 2021, requiring, for diplomatic reasons, that the Relocated Persons leave the territory of Niger within seven days of notification of this order (“Expulsion Order”);³

RECALLING the judicial order issued on 31 December 2021, whereby I, *inter alia*, considered that the Expulsion Order may be in breach of the Relocation Agreement and ordered the stay of the execution of the Expulsion Order pending the final adjudication of the matter;⁴

BEING SEISED of motions filed by Nzuwonemeye and Mugiraneza on 29 December 2021, by Zigiranyirazo, Nsengiyumva, Nteziryayo, and Ntagerura on 30 December 2021, by Muvunyi on

¹ See Case No. MICT-12-01, Order Assigning a Duty Judge for the Arusha Branch for July 2021 Through December 2021, 29 June 2021, p. 1; *In the Matter of François-Xavier Nzuwonemeye et al.*, Case Nos. MICT-13-43, MICT-14-75 & MICT-12-27, Order Assigning Motions to the Duty Judge for the Arusha Branch, 30 December 2021, p. 1; *In the Matter of André Ntagerura*, Case No. MICT-19-119, Order Assigning a Motion to the Duty Judge for the Arusha Branch, 31 December 2021 (confidential and *ex parte*), p. 1; *In the Matter of Anatole Nsengiyumva and Alphonse Nteziryayo*, Case Nos. MICT-22-123 & MICT-15-90, Order Assigning Motions to the Duty Judge for the Arusha Branch, 31 December 2021, p. 1 (collectively, “Assignment Orders”). I find that it is in the interests of justice and expediency to consider myself duly seised of related motions and joinders filed by after the issuance of the Assignment Orders, to the extent that they are intrinsically linked to the subject matter. See *infra*, n. 5.

² See Agreement Between the Government of the Republic of Niger and the United Nations on the Relocation of Persons Released or Acquitted by the International Criminal Tribunal for Rwanda or the International Residual Mechanism for Criminal Tribunals, 15 November 2021, Article 1, p. 7.

³ See *In the Matter of François-Xavier Nzuwonemeye et al.*, Case Nos. MICT-13-43, MICT-14-75 MICT-12-27, MICT-22-123, MICT-15-90, MICT-19-119, Order to the Republic of Niger to Stay the Expulsion Order of Relocated Persons and Order for Submissions, 31 December 2021 (“Order of 31 December 2021”), p. 1. See also, e.g., *Prosecutor v. François-Xavier Nzuwonemeye*, Case No. MICT-13-43, Urgent Request for an Order for Cooperation to the Government of the Republic of The Niger, 29 December 2021 (“Nzuwonemeye’s Motion”), para. 5, Annex A, Registry Pagination 350, 349.

⁴ See Order of 31 December 2021, pp. 2, 3.

31 December 2021, by Sagahutu, on 1 January 2022, by Nsengiyumva on 4 January 2022, by Zigiranyirazo on 7 January 2022, and by Nteziryayo on 10 January 2022 (collectively, “Motions”);⁵

CONSIDERING that the Motions are interrelated and all concern the validity of the Expulsion Order issued by Niger and its compliance with the Relocation Agreement;

FINDING that it is in the interests of justice and efficient case management to instruct the Registrar to open a new consolidated Case File in the matter of *François-Xavier Nzuwonemeye et al.* and to assign a single case number for all filings in these proceedings from this day forward;⁶

FOR THE FOREGOING REASONS,

HEREBY ORDER the Registrar to open a new consolidated Case File in the matter of *François-Xavier Nzuwonemeye et al.* and **INSTRUCT** the Registrar and the parties that all filings in these proceedings from this day forward shall be made under a single case number.

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

Done this 14th day of January 2022,
At Arusha,
Tanzania



Judge Joseph E. Chiondo Masanche
Duty Judge

[Seal of the Mechanism]

⁵ See Nzuwonemeye’s Motion; *Prosecutor v. Prosper Mugiraneza*, Case No. MICT-14-75, Joinder to “Urgent Request for an Order for Cooperation to the Government of the Republic of The Niger”, 29 December 2021; *Prosecutor v. Anatole Nsengiyumva*, Case No. MICT-22-123, Joinder to Urgent Request for an Order for Cooperation to the Government of the Republic of The Niger, 30 December 2021; *Prosecutor v. Alphonse Nteziryayo*, Case No. MICT-15-90, Joinder to Urgent Request for an Order for Cooperation to the Government of the Republic of The Niger, 30 December 2021; *Prosecutor v. Protais Zigiranyirazo*, Case No. MICT-12-27, Joinder to Urgent Request for an Order for Cooperation to the Government of the Republic of The Niger, 30 December 2021; *In the Matter of André Ntagerura*, Case No. MICT-19-119, Extremely Urgent Motion Seeking the MICT’s Intervention Regarding the Upcoming Expulsion of André Ntagerura from Niger, 30 December 2021 (confidential and *ex parte*); *In the Matter of Tharcisse Muvunyi*, Case No. MICT-19-117, Emergency Intervention/Evacuation Demand, 31 December 2021 (confidential and *ex parte*; public redacted version filed on 2 January 2022); *In the Matter of Innocent Sagahutu*, Case No. MICT-13-43, Request for Immediate and Urgent Evacuation, 7 January 2022 (original French version filed on 1 January 2022); *In the Matter of Anatole Nsengiyumva*, Case No. MICT-22-123, Urgent Motion to Order the Cooperation of the Governments of the Members of the United Nations Security Council and to Direct the IRMCT President to Request Security Council Assistance, 4 January 2022; *In the Matter of Protais Zigiranyirazo*, Case No. MICT-12-27, Urgent Motion by Protais Zigiranyirazo Concerning Flagrant Violations by Niger of the Mechanism Order and Related Requests [and] Motion for Habeas Corpus, 7 January 2022; *In the Matter of Alphonse Nteziryayo*, Case No. MICT-15-90, Alphonse Nteziryayo Joinder to “Urgent Motion by Protais Zigiranyirazo Concerning Flagrant Violations by Niger of the Mechanism Order and Related Requests [and] Motion for Habeas Corpus”, 10 January 2022.

⁶ See Article 5 of the Practice Direction on Filings Made Before the International Residual Mechanism for Criminal Tribunals (MICT/7/Rev.3), 4 January 2019.



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From/ De :	☐ President / Président	☒ Chambers / Chambre	☐ Prosecution/ Bureau du Procureur	☐ Defence / Défense
	☐ Registrar / Greffier	☐ Other/ Autre		
Case Name/ Affaire :	François-Xavier Nzuwonemeye Prosper Mugiraneza Protais Zigiranyirazo Anatole Nsengiyumva Alphonse Nteziryayo André Ntagerura Tharcisse Muvunyi Innocent Sagahutu		Case Number/ Affaire n° :	MICT-13-43, MICT-14-75 MICT-12-27 MICT-22-123 MICT-15-90 MICT-19-119 MICT-19-117
Date Created/ Daté du :	14 January 2022	Date transmitted/ Transmis le :	14 January 2022	No. of Pages/ Nombre de pages : 3
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