

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No: MICT-22-124

Date: 26 May 2025

Original: English

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**BEFORE THE PRESIDENT**

**Before: Judge Graciela Gatti Santana**

**Registrar: Mr Abubacarr Tambadou**

**IN THE MATTER OF**

**FRANÇOIS-XAVIER NZUWONEMEYE  
PROSPER MUGIRANEZA  
PROTAIS ZIGIRANYIRAZO  
ALPHONSE NTEZIRYAYO  
ANDRE NTAGERURA  
INNOCENT SAGAHUTU**

***PUBLIC***

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**PUBLIC REDACTED VERSION OF  
“NTEZIRYAYO OBSERVATIONS ON REGISTRAR’S  
FOURTEENTH BI-MONTHLY SUBMISSION AND REQUEST FOR ORDER  
FOR ADDITIONAL INFORMATION” OF 20 MAY 2025**

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**Counsel for Mr Alphonse Nteziryayo**  
Mr Iain Edwards

**Counsel for the Other Relocated Persons**  
Mr Peter Robinson for Mr François-Xavier Nzuwonemeye  
Ms Kate Gibson for Mr Prosper Mugiraneza  
Mr John Philpot for Mr Protais Zigiranyirazo  
Mr Philippe Larochelle for Mr André Ntagerura  
Mr Jean Flamme for Mr Innocent Sagahutu

## I. INTRODUCTION

1. The following observations on the Registrar’s most recent submission to the President on the situation of the Relocated Persons in Niger are made on behalf of Mr Nteziryayo.<sup>1</sup> In addition, it is respectfully requested that, pursuant to Rules 23(A), 31(A) and 31(B) of the Rules of Procedure and Evidence of the Mechanism, the President order the Registrar to provide more adequate information in an addendum submission.

## II. RELEVANT PROCEDURAL HISTORY

2. [REDACTED].<sup>2</sup> [REDACTED]. [REDACTED]. [REDACTED].
3. On 25 January 2025, I brought the existence of [REDACTED] to the attention of the Registrar.<sup>3</sup> The Registrar was asked to make contact with the authorities in Niger [REDACTED]. The Registrar was also invited to consider renewing the Mechanism’s request that Mr Nteziryayo and his colleagues be issued with identity documents by the Niger authorities.
4. On 27 January 2025, receipt of the 25 January email was acknowledged on the Registrar’s behalf. It was stated that the Registrar was aware of the matter, and that he “will be engaging the Nigerien authorities on the situation of the relocated persons.”<sup>4</sup> Later that day, I briefly responded, [REDACTED].<sup>5</sup>
5. Three weeks later, on 17 February 2025, I sent a follow-up email to the Registry asking for an update and highlighting the distress the uncertainty was causing Mr Nteziryayo.<sup>6</sup>

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<sup>1</sup> *In the Matter of François-Xavier Nzuwonemeye et al*, MICT-22-124, Registrar’s Fourteenth Bi-Monthly Submission in Relation to the “Further Instruction to the Registrar” of 19 December 2022, 6 May 2025 (“14<sup>th</sup> Submission”)

<sup>2</sup> See Annex 1

<sup>3</sup> Email to Registrar, 25 January 2025 at 12:06pm, *see* Annex 2

<sup>4</sup> Email from Registry legal officer, 27 January 2025 at 7:38am, *see* Annex 3

<sup>5</sup> Email to Registry legal officer, 27 January 2025 at 11:30am, *see* Annex 3

<sup>6</sup> Email to Registry legal officer, 17 February 2025 at 1:38am, *see* Annex 4

6. The same day, another Registry legal officer responded to the follow-up email, saying it was “well noted.”<sup>7</sup> It was said that the Registrar was “still engaging with the relevant Nigerien authorities [REDACTED]” and that an “update on this matter will be provided when we have something concrete to report back on.” Nothing was said about a forthcoming visit to Niger by the Registrar.
7. On 27 February 2025, I sent another email to the Registry indicating that I had been made aware that the Registrar had been in Niger. I understood that the Registrar had been due to meet with representatives of the Nigerien government the day before.<sup>8</sup> I conveyed Mr Nteziryayo’s and my thanks and asked for an update at the Registry’s earliest convenience. I also reiterated Mr Nteziryayo’s concern about [REDACTED].
8. On 28 February 2025, receipt of the 27 February email was acknowledged with an assurance that the Registry “will revert [sic] soon”.<sup>9</sup> This was the last correspondence of relevance I received from the Registry.
9. On 6 March 2025, the Registrar filed his Thirteenth Bi-Monthly Submission in Relation to the “Further Instruction to the Registrar” of 19 December 2022 (“13<sup>th</sup> Submission”).
10. On 6 May 2025, the Registrar filed his 14<sup>th</sup> Submission.

### III. OBSERVATIONS

11. In the 13<sup>th</sup> Submission, the Registrar stated that he undertook an official visit to Niamey, between 24 and 27 February 2025, “to personally engage with senior Government officials to ease restrictions, the Relocated Persons, and other stakeholders.”<sup>10</sup> Further details about that mission were contained in confidential Annex B to the 13<sup>th</sup> Submission (“Annex B”).

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<sup>7</sup> Email from Registry legal officer, 17 February 2025 at 2:23pm, *see* Annex 5

<sup>8</sup> Email to Registry legal officer, 27 February 2025 at 8:41am, *see* Annex 6

<sup>9</sup> Email from Registry legal officer, 28 February 2025 at 2:23pm, *see* Annex 7

<sup>10</sup> 13<sup>th</sup> Submission, para. 21

12. It was highlighted that the primary purpose of the Registrar's mission was to [REDACTED].<sup>11</sup> The Registrar met with the [REDACTED].<sup>12</sup> The Registrar reportedly told the [REDACTED] that the sole purpose of his visit was to [REDACTED].<sup>13</sup> The Registrar reported that he [REDACTED].<sup>14</sup>
13. The Registrar reported having conveyed his understanding that the [REDACTED].<sup>15</sup>
14. The [REDACTED] in turn reportedly assured the Registrar that he would [REDACTED], while asking [REDACTED].<sup>16</sup>
15. Finally, the [REDACTED] expressed a preference for a formal request to be made to the Government of Niger by the Mechanism for [REDACTED].
16. There is nothing contained in the 13<sup>th</sup> Submission or in Annex B indicating that the Registrar raised the issue of [REDACTED] or in any way communicated to the [REDACTED] that [REDACTED] had created uncertainty and distress for some of the Relocated Persons.
17. Approximately one week after his meeting with the [REDACTED], the Registrar filed the 13<sup>th</sup> Submission. Neither the 13<sup>th</sup> Submission nor its Annex B contain any information about additional meetings with other "senior Government officials",<sup>17</sup> [REDACTED],<sup>18</sup> or "other stakeholders."<sup>19</sup>
18. The Registrar provided no information about having initiated any follow-up communications with the Nigerien authorities. There was no indication that he had contacted the [REDACTED] during the week before filing the 13<sup>th</sup> Submission to establish

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<sup>11</sup> Annex B, para. 2

<sup>12</sup> Annex B, title: "Summary of the Meeting between IRMCT Registrar and [REDACTED] on 26 February 2025"

<sup>13</sup> Annex B, para. 5

<sup>14</sup> Annex B, para. 6

<sup>15</sup> Annex B, para. 7

<sup>16</sup> Annex B, para. 8

<sup>17</sup> 13<sup>th</sup> Submission, para. 21

<sup>18</sup> Annex B, para. 2

<sup>19</sup> 13<sup>th</sup> Submission, para. 21. The Registrar does not identify, either generally or with any specificity, what he means by "other stakeholders".

whether [REDACTED], as the Registrar had specifically been invited to do, and, if so, with what result. The 13<sup>th</sup> Submission is silent as to when, [REDACTED] might take place. The 13<sup>th</sup> Submission is also silent as to whether the Mechanism had made a formal request to the [REDACTED], again as the Registrar had specifically been invited to do, in the eight-day period between the Registrar’s meeting with the [REDACTED] and the filing of the 13<sup>th</sup> Submission.

19. Two months passed between the 13<sup>th</sup> and 14<sup>th</sup> Submissions. The 13<sup>th</sup> Submission contained details of a number of important outstanding matters that left the reader in suspense. They cried out for a substantive update in the next bi-monthly submission. Mr Nteziryayo waited patiently in the hope of receiving new information about if and when he might finally enjoy the freedoms to which he was entitled under the Relocation Agreement, yet which have been denied him for years. He was anxious to know when he might have returned to him the national identity documents of which he had previously been unlawfully deprived. He was impatient to know what impact, if any, [REDACTED].
20. It was with much disappointment that Mr Nteziryayo received and read the 14<sup>th</sup> Submission.
21. Regrettably, the 14<sup>th</sup> Submission contains little information of value. The only reference to the Registry’s work “regarding matters in Niger” is contained in footnote 26 of the 14<sup>th</sup> Submission: “Consequently, this Submission continues to exclude the Registry’s work regarding matters within Niger in relation to the Relocated Persons (e.g., payment of additional lump sums and medical expenses).”
22. There is no information about follow-up contact by the Registrar with the Nigerien authorities or “other stakeholders”. The 14<sup>th</sup> Submission is silent on the question of whether the [REDACTED]. It is silent as to whether the Registrar has done anything to ask. It is silent as to whether the Mechanism has made a formal request to [REDACTED], as the Registrar had specifically been invited to do. It is silent about [REDACTED].
23. This silence is as inexplicable as it is deafening.

24. The single paragraph in the 14<sup>th</sup> Submission addressing the topic of collaboration with Counsel is old news, a word-for-word repetition of the equivalent paragraph from the 13<sup>th</sup> Submission (and indeed, in large part, from the Registrar's 12<sup>th</sup>, 11<sup>th</sup>, 10<sup>th</sup> and 9<sup>th</sup> bi-monthly submissions). The 14<sup>th</sup> Submission makes no mention of my correspondence regarding [REDACTED].
25. Mr Nteziryayo sincerely appreciates the efforts made by the Registrar in travelling to Niger in February and meeting with a representative of the Nigerien government. He takes this opportunity to reiterate his thanks. However, he remains entirely in the dark in terms of what progress has been made to secure his freedom of movement and his identity documents. This "not knowing" compounds his ongoing stress, and distress, caused by the continuing violations of his human rights in Niger.

#### **IV. REMEDY**

26. To remedy the lacunae in and glaring inadequacies of the 13<sup>th</sup> and 14<sup>th</sup> Submissions, it is respectfully requested that, pursuant to Rules 23(A), 31(A) and 31(B) of the Rules of Procedure and Evidence of the Mechanism, the President order the Registrar to prepare and file an addendum, no later than seven days after the President's decision on the instant request, which addendum addresses the following matters in full:
- (i) whether, and if so, when, the Registrar raised the issue of [REDACTED] with the Nigerien authorities, and specifically [REDACTED];
  - (ii) what the Nigerien authorities' response, if any, was to query (i);
  - (iii) whether, and if so, when, the Registry made a formal request to the Government of Niger [REDACTED];
  - (iv) what the Nigerien authorities' response, if any, was to query (iii);
  - (v) whether, and if so, when, the Registry made a formal request to the Government of Niger [REDACTED];
  - (vi) what the Nigerien authorities' response, if any, was to query (v);
  - (vii) whether, and if so, when, the Registry made a formal request to [REDACTED];
  - (viii) what the Nigerien authorities' response, if any, was to query (vii);

(ix) what steps, if any, the Registry has taken to chase up any requests of the Nigerien authorities in the event there has been no responses to queries (ii), (iv), (vi) or (viii).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'I. Edwards', with a stylized flourish at the end.

**Iain Edwards**  
**Counsel for Alphonse Nteziryayo**

26 May 2025

Abidjan, Côte d'Ivoire

**ANNEXES 1-7**

*to*

**NTEZIRYAYO OBSERVATIONS ON REGISTRAR'S FOURTEENTH BI-MONTHLY SUBMISSION AND REQUEST FOR ORDER FOR ADDITIONAL INFORMATION**



[REDACTED]



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

<b>To/ À :</b>	IRMCT Registry/ Greffe du MIFRTP		<input checked="" type="checkbox"/> Arusha/ Arusha	<input type="checkbox"/> The Hague/ La Haye
<b>From/ De :</b>	<input type="checkbox"/> President/ Président	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input checked="" type="checkbox"/> Defence/ Défense
			<input type="checkbox"/> Registrar/ Greffier	<input type="checkbox"/> Other/ Autre
<b>Case Name/ Affaire :</b>	In the Matter of François-Xavier Nzuwonemeye et al.		<b>Case Number/ Affaire n° :</b>	MICT-22-124
<b>Date Created/ Daté du :</b>	26/05/2025	<b>Date transmitted/ Transmis le :</b>	26/05/2025	<b>Number of Pages/ Nombre de pages :</b> 9
<b>Original Language/ Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S
	<input type="checkbox"/> Other/Autre (specify/ préciser):			
<b>Title of Document/ Titre du document :</b>	PUBLIC REDACTED VERSION OF "NTEZIRYAYO OBSERVATIONS ON REGISTRAR'S FOURTEENTH BI-MONTHLY SUBMISSION AND REQUEST FOR ORDER FOR ADDITIONAL INFORMATION" OF 20 MAY 2025			
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue		
	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu		
		<input type="checkbox"/> Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu		
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu		
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<b>Document type/ Type de document :</b>	<input type="checkbox"/> Motion/ Requête <input type="checkbox"/> Judgement/ Jugement/Arrêt <input type="checkbox"/> Book of Authorities/ Recueil de sources <input type="checkbox"/> Warrant/ Mandat <input type="checkbox"/> Decision/ Décision <input checked="" type="checkbox"/> Submission from parties/ Écritures déposées par des parties <input type="checkbox"/> Affidavit/ Déclaration sous serment <input type="checkbox"/> Notice of Appeal/ Acte d'appel <input type="checkbox"/> Order/ Ordonnance <input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers <input type="checkbox"/> Indictment/ Acte d'accusation			

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

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