

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No: MICT-22-124

Date: 7 October 2026

Original: English

BEFORE THE PRESIDENT

Before: Judge Graciela Gatti Santana

Registrar: Abubacarr M. Tambadou

IN THE MATTER OF

**FRANÇOIS-XAVIER NZUWONEMEYE
PROSPER MUGIRANEZA
ALPHONSE NTEZIRYAYO
INNOCENT SAGAHUTU**

Public

**PUBLIC REDACTED VERSION OF JOINT DEFENCE REQUEST FOR
FINANCIAL ASSISTANCE FOR THE YEAR 2027**

Counsel for Applicants

Peter Robinson for Francois-Xavier Nzuwonemeye
Kate Gibson and Elsa Wyllie for Prosper Mugiraneza
Iain Edwards and Kate McInnes for Alphonse Nteziryayo
John Philpot for Innocent Sagahutu

I. Introduction

1. Francois-Xavier Nzuwonemeye, Prosper Mugiraneza, Alphonse Nteziryayo and Innocent Sagahutu (“Applicants”) hereby request that the President designate a Single Judge to authorize the Registrar to provide rent and a lump sum payment for the surviving detainees in Niger for the year 2027. This request is being submitted now because the rental agreement on their current residence requires notice of renewal to the landlord by 30 November 2026.

II. Procedural History

2. On 15 November 2021, the United Nations entered into an agreement with the (former) government of Niger to relocate eight ICTR acquitted and released persons to that country (“Relocation Agreement”). The Applicants, acquitted or released by the ICTR, were among the eight persons who relocated to Niger on 6 December 2021 (“Relocated Persons”). They were provided with residence documents and enjoyed freedom of movement in accordance with the Relocation Agreement.

3. Pursuant to Article 4 of the Relocation Agreement, the International Residual Mechanism for International Criminal Tribunals (“Mechanism”) also provided a one-time lump sum payment of US\$10,000 as an installation grant and agreed to fund the rental of a house for a year in Niger. Prior to the end of the first year following relocation, the Mechanism was expected to conduct with the authorities of Niger a joint assessment of the living conditions and ability of the Relocated Persons to take care of themselves and, should the need arise, “explore possibilities of assistance with other stakeholders”.¹

4. Two weeks after they arrived in Niger, on 23 December 2021, all of the Relocated Persons suddenly had their residence documents confiscated, were placed under house arrest, and were ordered to be expelled.²

5. In decisions of 7 February 2022 and 8 March 2022, the Single Judge found Niger to be in breach of the Relocation Agreement and ordered the Registrar to continue to actively engage with Niger and other possible relocation States to ensure the respect of the fundamental rights of the Relocated Persons on the territory of Niger.³ However, the Relocated Persons remained under house

¹ <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/57108/Part/I-57108-08000002805cc97e.pdf>.

² *Motion for Order to Report the Government of the Niger to the United Nations Security Council and for an Oral Hearing* (29 January 2022), Annex A, para. 6.

³ *Decision on Motions Regarding the Relocation Agreement with Niger and Order for Transfer of the Relocated*

arrest without residence documents. Niger has allowed them to remain in the country temporarily, but efforts by the Mechanism to find another country to take them have been unsuccessful until now.⁴ Four of the men have died.⁵

6. In a decision of 12 January 2023, the Single Judge ordered the Registrar to provide an additional lump sum payment of US\$10,000 to each Relocated Person, while efforts continue to find a safe third State for their relocation as well as to explore other options for additional support and funding, in order to ensure the respect of their fundamental rights.⁶

7. On 7 December 2023, the President indicated that a Single Judge, rather than the Registrar, should decide on future payments made by the Mechanism.⁷ On 4 January 2024, the Single Judge ordered the Registrar to continue the US\$10,000 lump sum payment for 2024, finding that:

[T]he latest reports of the Registrar, despite stressing the urgency caused by recent political developments in Niger, do not suggest a reasonable prospect for finding another safe relocation State for the Relocated Persons in the near future and that, while the Mechanism agreed to cover necessary medical expenses following the termination of the ICRC's support, there is no indication that the Relocated Persons' general situation and ability to take care of themselves has evolved positively since the issuance of the Decision of 12 January 2023.⁸

8. On 24 June 2024, Major Nzuwonemeye requested that the Single Judge approve payment of the rent and subsistence for 2025, given that the lease required notice to the landlord for renewal of the lease to be given by the end of August.⁹

9. On 23 July 2024, the Single Judge issued an *Order to Show Cause* requesting Major Nzuwonemeye and the other Relocated Persons to:

Persons to the Arusha Branch (7 February 2022), paras. 20-30; *Further Decision Regarding the Relocated Persons in Niger* (8 March 2022), pp. 1-4. (A detailed procedural history can be found in the Decision of 7 February 2022, paras. 1-19.)

⁴ Registrar's First Bi-Monthly Submission in relation to the "Further Instruction to the Registrar" of 19 December 2022 (6 March 2023); Registrar's Second Bi-Monthly Submission in relation to the "Further Instruction to the Registrar" of 19 December 2022 (9 May 2023); Registrar's Third Bi-Monthly Submission in relation to the "Further Instruction to the Registrar" of 19 December 2022 (6 July 2023); Registrar's Fourth Bi-Monthly Submission in relation to the "Further Instruction to the Registrar" of 19 December 2022 (11 September 2023); Registrar's Fifth Bi-Monthly Submission in relation to the "Further Instruction to the Registrar" of 19 December 2022 (10 November 2023).

⁵ Registrar's Filing in Relation to the Death of Mr. Tharcisse Muvunyi (13 June 2023); Registrar's Filing in Relation to the Death of Mr. Anatole Nsengiyumva (8 May 2024); Registrar's Filing in Relation to the Death of Mr. Protais Zigiranyirazo (8 August 2025); Registrar's Filing in Relation to the Death of Mr. André Ntagerura (17 June 2026).

⁶ *Decision on Motions for an Order for Subsistence Funds* (12 January 2023), p. 3.

⁷ *Decision in Relation to Requests by Anatole Nsengiyumva* (7 December 2023), p. 3.

⁸ *Further Decision on Motions for an Order for Subsistence Funds* (4 January 2024), p. 2.

⁹ *Nzuwonemeye Request for Financial Assistance—2025* (24 June 2024). See also *Nteziryayo Joinder to Nzuwonemeye Request for Financial Assistance – 2025* (25 June 2024); *Ntagerura Joinder to Nzuwonemeye Request for Financial Assistance – 2025* (25 June 2024).

Show cause as to why: (i) they cannot relocate to Rwanda potentially with appropriate guarantees of safety to alleviate any concerns they may have regarding fears of being put on trial or otherwise harmed; and (ii) I should not terminate the Mechanism’s financial assistance to them in Niger, if relocation in Rwanda appears to be a safe and durable solution for the Relocated Persons.¹⁰

10. On 6 August 2024, the Single Judge denied requests from the Relocated Persons for the assignment of counsel and a stay of the *Order to Show Cause*.¹¹

11. Between 28 August 2024 and 2 September 2024, a number of the Relocated Persons filed their responses to the *Order to Show Cause*.¹² On 29 August 2024, the Registrar transmitted the observations of the Government of Rwanda (“GoR”) to the Single Judge and parties.¹³ Between 9 and 27 September 2024 the Relocated Persons filed additional submissions in response to the GoR observations.¹⁴

12. On 12 September 2024, the Single Judge denied a Motion for Reconsideration of his *Order to Show Cause* filed by Protais Zigiranyirazo.¹⁵ On 22 November 2024, the Single Judge issued an *Interim Order* authorizing the Registrar to renew the lease and pay the rent and to provide the subsistence funds on a monthly basis.¹⁶ Throughout 2025, the Registrar provided subsistence on a periodic basis.

13. On 21 November 2025, the Single Judge issued a *Decision in Relation to the Order to Show Cause and Motions for an Order for Additional Subsistence Funds* (“November 2025 Decision”).¹⁷ The Single Judge granted the Motions for additional subsistence funds, ordering the Registry to provide US\$11,500 for 2025 and US\$12,400 for 2026 to each of the Relocated Persons, and to continue the rental payments until 31 December 2026. The Single Judge found that the one additional year of financial assistance was intended “to give [the Relocated Persons] sufficient

¹⁰ *Order to Show Cause* (23 July 2024), p.3.

¹¹ *Decision on Joint Motion for Assignment of Counsel and to Stay the Order to Show Cause* (6 August 2024).

¹² *Nzuwonemeye Response to Order to Show Cause* (28 August 2024); *Protais Zigiranyirazo’s Submission Following the Order to Show Cause of 24 July 2024* (31 August 2024); *Submissions for Mr. Innocent Sagahutu* (1 September 2024); *Mugiraneza Submissions in Response to Order to Show Cause* (2 September 2024); *Nteziryayo Response to Order to Show Cause* (2 September 2024); *Ntagerura Response to the Order to Show Cause* (2 September 2024).

¹³ *Registrar’s Submission on the Order to Show Cause of 24 July 2024* (29 August 2024).

¹⁴ *Nzuwonemeye Second Response to Order to Show Cause* (9 September 2024); *Additional Submission of Protais Zigiranyirazo Following the Order to Show Cause of 24 July 2024* (6 September 2024); *Supplementary Submissions to Nteziryayo Response to Order to Show Cause* (20 September 2024); *Mugiraneza Additional Submissions in Response to the Order to Show Cause* (27 September 2024).

¹⁵ *Decision on Protais Zigiranyirazo Request for Reconsideration* (12 September 2024).

¹⁶ *Interim Order* (22 November 2024).

¹⁷ *Decision in Relation to the Order to Show Cause and Motions for an Order for Additional Subsistence Funds* (21 November 2025) p. 7.

notice and time to normalize their situation, as well as time for the Registrar to identify a possible third State that is willing to accept the Relocated Persons onto its territory and, at the same time, assess whether they wish to be repatriated in Rwanda, while discussing appropriate guarantees”.¹⁸ The Single Judge also found that after 31 December 2026, “the Mechanism no longer has a legal and judicial obligation to provide financial assistance to the Relocated Persons, while they remain in Niger, as part of its general duty of care towards them”.¹⁹

14. In the months since the November 2025 Decision, the situation of the Applicants has not normalized. No third State has been identified. Niger has not restored their residence documents or freedom of movement. The Applicants remain under house arrest, as they have been since 23 December 2021. The Applicants still cannot return to Rwanda.²⁰

15. The Single Judge also instructed the Registrar to address Major Nzuwonemeye’s ancillary request that the GoR inform the Government of Niger, in line with its diplomatic assurances, that it considers the Relocated Persons free persons who should not be detained.²¹ [REDACTED].²² [REDACTED].²³

III. Submissions

16. In his decision of 12 January 2023, the Single Judge noted that the Mechanism had the duty to ensure the welfare of acquitted or released persons pending their relocation. He said that:

[W]hile such duty of care does not continue indefinitely following their relocation, in the particular circumstance of the present case, where the relocation appears not to have been carried out in accordance with the full terms of the Relocation Agreement, the Mechanism’s duty of care continues and should encompass financial assistance, to the extent that the Relocated Persons have not been given the opportunity to identify opportunities to support themselves in line with the original terms of the Relocation Agreement.²⁴

17. In the 21 November 2025 Decision, the Single Judge found that after 31 December 2026, the Mechanism would no longer have a legal obligation to provide financial assistance. That finding was expressly premised on providing the Applicants with “sufficient notice and time to normalize their situation” and on time for the Registrar to identify a possible third State or to assess whether

¹⁸ *Ibid.*

¹⁹ *Ibid.* pp. 7-8.

²⁰ See paragraphs 24-31 below.

²¹ *Decision in Relation to the Order to Show Cause and Motions for an Order for Additional Subsistence Funds* (21 November 2025) p. 8.

²² [REDACTED]

²³ [REDACTED]

²⁴ *Decision on Motions for an Order for Subsistence Funds* (12 January 2023), p. 3.

the Applicants wished to be repatriated to Rwanda with appropriate guarantees.²⁵ None of these conditions has been fulfilled. The Applicants remain detained in violation of the Relocation Agreement without residence documents, and without the ability to work or support themselves.²⁶ The Registrar's limited efforts to seek a third State for sustainable relocation have not borne fruit.²⁷ Indeed, it is the Applicants' understanding that [REDACTED]. However, for the reasons set out below, and which should be considered together with the fact [REDACTED].

18. The Appeals Chamber has found that the Mechanism has a continuing duty to care for the welfare of the Relocated Persons so long as they remain detained in violation of the Relocation Agreement.²⁸ Where those circumstances have not changed, the rationale for financial assistance has not changed. So long as they remain detained in Niger in violation of the Relocation Agreement, unable to support themselves as originally envisioned, the rationale that has sustained the Single Judge's orders since January 2023 continues to apply. Four of the original eight Relocated Persons have died in Niger.²⁹

19. Because the situation at the time the Single Judge granted the lump sum payments in 2023, 2024, 2025, and 2026 continues, the Mechanism's duty of care warrants the disbursement of another lump sum payment for 2027. It also warrants continuing the rental payment on the house in Niamey for another year.

(a) Material change of circumstances

(i) The Mechanism continues to exist despite earlier uncertainty about continuation of responsibility

20. There has been a material change in circumstances since the November 2025 Decision that warrants renewed financial assistance. The United Nations Security Council was expected to address the future of the Mechanism during its 2026 review. On 12 June 2026, the Security Council held its semi-annual debate on the Mechanism.³⁰ The President of the Mechanism presented a strategic plan for the transfer of certain functions and a significant reduction of staffing. The

²⁵ See *infra* n. 27.

²⁶ Registrar's Twentieth Submission in Relation to the "Further Instruction to the Registrar" of 19 December 2022 (5 August 2026), para. 10.

²⁷ *Ibid*, para. 13.

²⁸ Decision on Motions to Appeal Decision of 8 March 2022, for Reconsideration of Decision of 15 March 2022 and to Appear as Amicus Curiae (27 May 2022), para. 24.

²⁹ See *supra* n. 5.

³⁰ Security Council, 10170th Meeting (AM), International Residual Mechanism for Criminal Tribunals, Press Release SC/16384 (12 June 2026).

Security Council, however, was unable to reach consensus. No resolution on the Mechanism was adopted. An earlier attempt in April and May 2026 to agree on a Presidential Statement also failed.³¹ The question of what to do with the Mechanism, and by extension its responsibilities to the Applicants, has been deferred.

21. The Mechanism continues to exist.³² Its duty of care toward the Applicants has not been transferred, reassigned, or extinguished by any decision of the Security Council. The Single Judge's December 2026 deadline was set at a time when it was reasonable to anticipate that the Security Council's review might produce clarity on the Mechanism's future. That clarity has not come.

(ii) Increasing political instability in Niger

22. Further, the precarious nature of the Applicants' stay in Niger has been underscored by the events of late August 2026. By way of context, it will be noted that Niger is politically unstable. The government that concluded the Relocation Agreement with the United Nations was overthrown in a military coup d'état on 26 July 2023.³³ On 27 January 2024, Niger, together with Burkina Faso and Mali, announced its intention to withdraw from the Economic Community of West Africa,³⁴ which withdrawal formally came into force one year later.

23. Of particular relevance to this request, on 28-29 August 2026, a fresh coup was attempted by what was reported to be a mutinous faction of the Niger Armed Forces.³⁵ The coup was successfully put down,³⁶ but represented a period of grave concern for the Applicants. They felt in danger. The attempted coup highlighted the extent to which their presence in Niger lacks any stability. While remaining in Niger remains far preferable than transfer to Rwanda, this instability reinforces the need for basic subsistence support, given the unlikelihood of the Applicants being able to establish a meaningful and safe life in Niger.

³¹ See *Security Council Report, International Criminal Tribunals*, June 2026 Monthly Forecast.

³² See *Security Council Resolution 1966* (2010), art. 1 (the Mechanism operates for successive two-year periods unless the Security Council decides otherwise).

³³ <https://www.aljazeera.com/news/2023/7/28/niger-general-tchiani-named-head-of-transitional-government-after-coup>

³⁴ <https://www.dw.com/en/mali-burkina-faso-and-niger-quit-ecowas/a-68106116>

³⁵ <https://www.reuters.com/world/gunfire-blasts-heard-several-areas-niger-capital-niamey-witness-says-2026-08-29/>

³⁶ <https://africa.businessinsider.com/local/lifestyle/niger-fights-off-latest-coup-plot-with-support-from-russia-algeria-and-sahel-bloc/60shdd6>

(iii) New evidence of unsuitability of relocation to Rwanda

24. Despite the acquittals of both Mr Mugiraneza and Major Nzuwonemeye by the ICTR, Rwandan national and local officials have in recent months expressed their unwillingness to accept that they have conclusively been found not guilty.

25. On 14 April 2026, in Mr Mugiraneza's home area in Ngoma district, Eastern Province (former Kibungo prefecture), the local Mayor delivered a speech in front of GoR officials, including the Eastern Province Governor, in which she cited Mr Mugiraneza among those who planned and executed the genocide in Kibungo:

Honorable guests of honor, to return briefly to the history of the former Kibungo prefecture, those who have shared their testimonies with us during the trip have reiterated that the genocide was committed with extraordinary cruelty because there were former leaders in the administrative and military sectors who planned and carried out the genocide against the Tutsi. These include Colonel Rwagafirita, *former Minister of Civil Service Mugiraneza Prosper*, and other important Interahamwe including Habimana Emmanuel, who was often called Cyasa, and many others. This shows how the genocide was planned.³⁷

26. Two weeks later, on 28 April 2026, in a speech given to the population of the region where Major Nzuwonemeye is from, Jean-Damascene Bizimana, the Minister of Unity and Civic Engagement, made the following statement:

It is necessary to initiate this activity because in this area there are also others who are found to hold the same ideology as the current FDLR. Among them are former members of the defeated army: Colonel Muberuka, who commanded the Kanombe military camp, and Lieutenant-Colonel Anselme Nkuliye Kubona, who commanded the military camp and troops in Kibungo. He comes from what used to be Tumba commune, which is now in this district. He played a very major role in leading the genocide in the city of Kibungo, in Ngoma District. *There is also Major Francois-Xavier Nzuwonemeye*. These are notorious perpetrators of the genocide who are still part of the FDLR and its activities today. There is also Major Stanislas Kinyoni. In other words, according to the analysis done by MINUBUMWE, these people continue to play a role in poisoning the families they come from, poisoning their friends, and poisoning children. Naming them publicly is done so that they are known, and also so that their collaborators understand that they must stop.³⁸

27. Two months later, on 27 June 2026, President Kagame spoke at a meeting of the Unity Club in which he appeared to target and criticize persons who denied their involvement in Rwanda's "dark history":

Then there are others who step aside, take a defensive stance, saying, "Me, me! You talk about me?" Reacting with anger whenever anyone speaks about our dark history. Even if

³⁷ Italics added, <https://www.youtube.com/live/8a892ugfj5g?si=r-Q4-muQCzskb4eB>, from 01:02:00; unofficial English translation by Defence

³⁸ Italics added, <https://www.youtube.com/watch?v=xmzCxaLmdXE>, from 03:43; unofficial English translation by Defence.

someone tells you that you played a role – while you actually had played no part in it – to him, there is on him a more unbearable burden than what is upon you. What you ought to do instead is simply state, “I did not play a part in it, I had no involvement in it, and I will not be involved in it”, and demonstrate this through your daily actions, rather than trying to act as if you are untouchable or above scrutiny. You who thinks that you are above scrutiny, who are you, really? What kind of person are you? Who would you claim to be? What are you? In the face of the truth, in the face of history like this, everyone is insignificant.³⁹

28. On 17 July 2026, in opening remarks made to the RPF Political Bureau, President Kagame articulated his firm belief that laws can be ignored if they get in the way of the Government achieving its desired goals:

When someone finds a way to do something that aligns with their goal, they shouldn't let themselves be held back by a law. There were even restrictive laws left over from the colonial era. People would tell you, “There is a law! A law!” But really! No, no, no! It's not you who make the law anyway! Nor can you abolish it. You just view it as an obstacle hindering progress. [...] Sometimes we might even make decisions and take practical action, effectively violating the law a little, until the law itself is eventually modified. But without letting it prevent us from achieving our desired goals. That is the process that aligns with the times we live in.⁴⁰

29. These comments mirrored President Kagame's long-held view that, “We don't follow rules, we follow choices. There is no rule book for us.”⁴¹ In the light of such recent comments, the Applicants have an objective, well-founded fear that they would be targeted for reprisals from the highest Rwandan authorities for their imputed roles in the 1994 genocide, even those who have been acquitted by the ICTR. They have no realistic basis to expect that any Rwandan assurances given to the Mechanism that they would be protected, or would not be arrested and charged anew, would be respected. To the contrary, they reasonably apprehend that the principle of *non bis in idem* is an internationally recognized rule that would simply be ignored if it did not align with the GoR's goals or interests.

30. In addition, the Single Judge's instruction that the Registrar address Major Nzuwonemeye's ancillary request that the GoR inform the Government of Niger that it considers the Relocated Persons free persons who should not be detained, has come to nothing. This is further evidence of unsuitability of relocating the Applicants to Rwanda, given that the purported diplomatic assurances have not been implemented nor given any practical effect.

³⁹ <https://youtu.be/P-buAF1CB6g?si=78qgGMdevoUucHmj>, from 38:05 to 39:30; unofficial English translation by Defence

⁴⁰ <https://youtu.be/WtCza-UrJMU?si=FSFiq7dW5NCK9yp5>, from 49:35 to 50:41; unofficial English translation by Defence

⁴¹ <https://www.youtube.com/watch?v=WHuO8ba2KyY>, from 23:42. Comments made on 19 February 2019, meeting of business leaders in Charlotte, North Carolina, United States.

31. In light of the foregoing, the Applicants respectfully request that the Single Judge authorize the Registrar to continue the rental payment on the house in Niamey for 2027 and to provide another lump sum payment to each of the Applicants for their survival.⁴² It is respectfully requested that the lump sum be maintained at US\$12,400, the amount the Single Judge found appropriate for 2026.

IV. Conclusion

32. The Applicants appreciate the financial assistance they have received from the Mechanism to date. They recognize that the Single Judge anticipated bringing this chapter to a close at the end of 2026. They return to the President because there is new information the Single Judge did not have when setting that deadline, and because the conditions on which it was premised have not been met. The Mechanism still exists. No third State has been found. Niger has not restored the Applicants' ability to support themselves. The Security Council has deferred the question of the Mechanism's future. In these circumstances, a further year of financial assistance is necessary to ensure the Applicants' survival while the Registry continues to work toward a durable solution. The Applicants respectfully ask that this chapter not be closed while those at its centre remain unable to sustain themselves.

⁴² The Registrar has requested that the rent be renegotiated with the landlord due to the fact that four of the residents have died and there are now only four persons living in the house. Those negotiations are ongoing. While it may affect the amount of the rent, it will not change the need for the order by the Single Judge.

Respectfully submitted,



Peter Robinson
Counsel for Francois-Xavier Nzuwonemeye



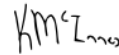
Kate Gibson
Counsel for Prosper Mugiraneza



Elsa Wyllie
Counsel for Prosper Mugiraneza



Iain Edwards
Counsel for Alphonse Nteziryayo



Kate McInnes
Counsel for Alphonse Nteziryayo



John Philpot
Counsel for Innocent Sagahutu

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