UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

Case No.: MICT-22-124

Date: 25 November 2026

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BEFORE A SINGLE JUDGE

Before: **Judge Joseph E. Chiondo Masanche**

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

Decision of: **25 November 2026**

IN THE MATTER OF

FRANÇOIS-XAVIER NZUWONEMEYE
PROSPER MUGIRANEZA
ALPHONSE NTEZIRYAYO
INNOCENT SAGAHUTU

PUBLIC

DECISION ON JOINT DEFENCE REQUEST FOR FINANCIAL ASSISTANCE FOR THE YEAR 2027

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1. I, Joseph E. Chiondo Masanche, Judge of the International Residual Mechanism for Criminal Tribunals ("Mechanism") and the Single Judge in this case,[1] am seised of the joint request filed on 7 October 2026 by Mr. François-Xavier Nzuwonemeye, Mr. Prosper Mugiraneza, Mr. Alphonse Nteziryayo, and Mr. Innocent Sagahutu ("Relocated Persons"), seeking financial assistance for the year 2027 while they remain on the territory of the Republic of Niger ("Niger") pursuant to the relocation agreement signed on 15 November 2021 between the United Nations and Niger.[2]

I. BACKGROUND

2. On 5 December 2021, the Relocated Persons, who have been acquitted by the International Criminal Tribunal for Rwanda ("ICTR") or released having served their sentences, were relocated to Niger with their consent pursuant to the Relocation Agreement.[3] On 27 December 2021, the authorities of Niger issued an order requiring, for diplomatic reasons, that the Relocated Persons leave the territory of Niger within seven days of notification of this expulsion order.[4] The Relocated Persons were thereafter placed under house arrest and had their identity documents confiscated by the authorities of Niger in violation of the Relocation Agreement.[5]

3. Between 31 December 2021 and 8 March 2022, I issued several orders and decisions, wherein I found Niger to be in breach of the Relocation Agreement and ordered the Registrar of the Mechanism ("Registrar") to actively engage with Niger and other possible relocation States to ensure respect for the fundamental rights of the Relocated Persons.[6] On 27 May 2022, the Appeals Chamber

[1] Order Assigning a Single Judge to Consider a Request, 12 October 2026, p. 1.
[2] Joint Defence Request for Financial Assistance for the Year 2027, 7 October 2026 (confidential; public redacted version filed on the same day) ("Motion"). *See also* 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 ("Relocation Agreement").
[3] *See*, *e.g.*, *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. Mr. Tharcisse Muvunyi, Mr. Anatole Nsengiyumva, Mr. Protais Zigiranyirazo, and Mr. André Ntagerura passed away since their relocation to Niger. *See* Registrar's Filing in Relation to the Death of Mr. Tharcisse Muvunyi, 13 June 2023, para. 1; Registrar's Filing in Relation to the Death of Mr. Anatole Nsengiyumva, 8 May 2024 (public with confidential and *ex parte* Annex), para. 1; Registrar's Filing in Relation to the Death of Mr. Protais Zigiranyirazo, 8 August 2025 (public with confidential and *ex parte* Annex), para. 1; Registrar's Filing in Relation to the Death of Mr. André Ntagerura, 19 June 2026, para. 1.
[4] *See*, *e.g.*, Order of 31 December 2021, p. 1.
[5] *See* Further Order to the Republic of Niger and to the Registrar, 14 January 2022 ("Order of 14 January 2022"), para. 15 and references cited therein.
[6] *See* Order of 31 December 2021, pp. 2, 3; Order of 14 January 2022, paras. 18, 22; Decision on Motions Regarding the Relocation Agreement with Niger and Order for Transfer of the Relocated Persons to the Arusha Branch, 7 February 2022 ("Decision of 7 February 2022"), paras. 20-25, 30; Further Decision Regarding the Relocated Persons in Niger, 8 March 2022 ("Decision of 8 March 2022"), pp. 1-4. The President of the Mechanism ("President") further instructed the Registrar to continue to engage with Niger and to take all necessary actions to ensure that the expulsion order does not cause any prejudice to the fundamental rights of the Relocated Persons. *See In the Matter of François-Xavier Nzuwonemeye et al.,* Case Nos. MICT-13-43, MICT-14-75 & MICT-12-27, Instruction to the Registrar,

of the Mechanism upheld that, while the Mechanism's duty of care towards acquitted or released persons does not continue indefinitely following their relocation, in the particular circumstances 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 duty of care continues.[7]

4. In the Decision of 7 February 2022, I also instructed the Registrar to make appropriate arrangements for the Relocated Persons to be returned to the Arusha Branch of the Mechanism, on a temporary basis and pending their transfer to another State, in line with the Headquarters Agreement signed between the United Nations and the United Republic of Tanzania ("Tanzania").[8] The Government of Tanzania declined to facilitate the return of the Relocated Persons onto its territory and considered that its obligations pursuant to the Headquarters Agreement had come to an end upon their transfer to Niger.[9] In these circumstances, where all appropriate and available judicial relief had been extended to the Relocated Persons, I concluded that the situation could not be resolved by a further judicial order and that the primary avenue for redressing the crisis would lie in political, diplomatic, and administrative efforts undertaken by the Registrar under the supervision of the President, who also referred this matter to the United Nations Security Council.[10] This conclusion was upheld by the Appeals Chamber, which recalled that the Mechanism does not have the jurisdiction to compel States to accept on their territory acquitted persons and convicted persons who have completed serving their sentences.[11]

5. On 19 December 2022, the President further instructed the Registrar to file on the judicial record an overview of the steps taken in addressing the situation of the Relocated Persons and to submit periodic reports on his efforts to find a solution for them, in line with the Mechanism's duty of care.[12] The Registrar has since filed 21 submissions reporting on the progress of the collaboration

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30 December 2021, p. 2. *See also* Registrar's Submission in Relation to the "Order to the Republic of Niger to Stay the Expulsion Order of Relocated Persons and Order for Submissions" of 31 December 2021, 31 January 2022 (confidential and *ex parte*), paras. 15-30.

[7] 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 ("Appeal Decision of 27 May 2022"), para. 24.

[8] *See* Decision of 7 February 2022, paras. 26-30 and references cited therein.

[9] *See* Decision of 8 March 2022, p. 2 and references cited therein.

[10] *See* Decision of 8 March 2022, p. 4 and references cited therein. On 19 January 2022, the President brought to the attention of the United Nations Security Council the issue of the expulsion order and sought support in "impressing upon the Republic of Niger the need to adhere fully to both the letter and spirit of the [Relocation] Agreement". *See* Decision of 8 March 2022, pp. 1, 2, n. 6, *referring to* Letter from the President of the International Residual Mechanism for Criminal Tribunals Addressed to the President of the Security Council, U.N. Doc. S/2022/36, 19 January 2022, pp. 1-3. *See also* Appeal Decision of 27 May 2022, para. 25.

[11] Appeal Decision of 27 May 2022, paras. 30-33, 36-38.

[12] Further Instruction to the Registrar, 19 December 2022, p. 3; Decision in Relation to Reporting Regime, 5 December 2025, pp. 1, 2.

between the Registry of the Mechanism ("Registry") and counsel regarding the regularization of the stay of the Relocated Persons in Niger and exchanges with several potential relocation States.[13]

6. During this period, I also issued a number of judicial decisions concerning requests for assignment of counsel and the possibility of an emergency medical evacuation to the Hague Branch of the Mechanism.[14] The President further issued several decisions expressing concerns about the situation of the Relocated Persons, including in relation to a request for judicial review of the Relocation Agreement and a request for transfer to the Kingdom of the Netherlands.[15]

7. On 12 January 2023 and 4 January 2024, I authorized additional lump sum payments to each of the Relocated Persons for the years 2023 and 2024, after the exhaustion of their initial installation grant, while efforts continued to find a safe third State for their relocation and to explore other options for additional support and funding.[16] I considered that, in the specific circumstances of the present case, where the relocation appears not to have been carried out in accordance with the full terms of the Relocation Agreement, and in particular where the Relocated Persons have not been put in a position to identify opportunities to support themselves, the duty of care of the Mechanism continued and should encompass financial assistance.[17] However, I indicated that these lump sum payments should not be considered as an annual entitlement and that any future payment of subsistence funds would be contingent on an assessment of the situation of the Relocated Persons at the time of the request.[18]

8. On 24 July 2024, considering the judicial and diplomatic impasse and the absence of any indication that the situation of the Relocated Persons while under house arrest would evolve positively in the near future, I issued an order to show cause inviting submissions regarding the legal and factual appropriateness of the termination of the Mechanism's financial assistance in Niger if relocation to the Republic of Rwanda ("Rwanda") proved to be a safe and durable solution.[19] On

[13] *See*, *e.g.*, Registrar's Twenty-First Submission in Relation to the "Further Instruction to the Registrar" of 19 December 2022, 5 November 2026 (public with confidential Annex), paras. 10-14.
[14] *See*, *e.g.*, Decision on Request for Attorney Visit and Reclassification of Filings, 3 May 2023; Decision on Requests for Reconsideration of the Decision of 3 May 2023, 15 June 2023; Decision on François-Xavier Nzuwonemeye Motion for Emergency Medical Evacuation, 15 May 2024. *See also* Decision on Appeal of Decision Denying Motion for Emergency Medical Evacuation and Request for Oral Hearing, 18 July 2024.
[15] *See*, *e.g.*, Decision on "Ntagerura Motion for Judicial Review of Relocation Agreement", 22 September 2023; Decision on Nzuwonemeye Request for Transfer, 25 July 2023; Decision on Motion for Status Conference, 27 May 2024; Decision on Requests for Review of an Administrative Decision, 30 August 2024 (confidential); Decision in Relation to the Request of François-Xavier Nzuwonemeye, 19 November 2024.
[16] Decision on Motions for an Order for Subsistence Funds, 12 January 2023 ("Decision of 12 January 2023"), p. 3; Further Decision on Motions for an Order for Subsistence Funds, 4 January 2024 ("Decision of 4 January 2024"), p. 3.
[17] Decision of 12 January 2023, p. 3 and references cited therein; Decision of 4 January 2024, pp. 2, 3.
[18] Decision of 4 January 2024, p. 3.
[19] Order to Show Cause, 24 July 2024 ("Order to Show Cause"), pp. 2, 3.

22 November 2024, I issued an interim order granting, *inter alia*, additional lump sum payments to each of the Relocated Persons for the year 2025 pending the conclusion of the litigation on the termination of financial assistance.[20]

9. In response to the Order to Show Cause, the Rwandan Government reiterated its readiness and willingness to welcome the Relocated Persons as free citizens in Rwanda, offering diplomatic assurances that they would enjoy their rights without any fear of harm or prosecution for the crimes of which they were acquitted or had completed their sentences.[21] Conversely, the Relocated Persons maintained their refusal to be relocated to Rwanda, regardless of the diplomatic assurances or guarantees of safety, and requested that the Mechanism continue its financial assistance, arguing that they remained effectively detained and unable to support themselves in Niger.[22]

10. In the Decision of 21 November 2025, I determined that the objective threats described by the Relocated Persons appeared general and speculative, and that, while their subjective fears were relevant, they had not demonstrated their inability to relocate to Rwanda, their country of origin, in a safe and durable manner.[23] I reiterated that the Mechanism's duty of care in this matter is not indefinite, especially when a safe and durable solution exists, and stated that, after 31 December 2026, the Mechanism would no longer have a legal and judicial obligation to provide them with financial assistance as part of its general duty of care.[24] I considered, nevertheless, that the duty of care and fairness required that the Relocated Persons be provided with one additional year of financial assistance and international protection in Niger for 2026, in order to give them sufficient notice and time to normalize their situation, as well as to allow the Registrar to identify a possible

[20] *See* Interim Order, 22 November 2024, pp. 1, 2. *See also* Nzuwonemeye Request for Financial Assistance – 2025, 24 June 2024; Nteziryayo Joinder to Nzuwonemeye Request for Financial Assistance – 2025, 25 June 2024; Ntagerura Joinder to Nzuwonemeye Request for Financial Assistance – 2025, 25 June 2024.
[21] *See* Registrar's Submission on the "Order to Show Cause" of 24 July 2024, 29 August 2024 (public with confidential Annexes A and B), para. 12, Annex B, Registry Pagination 2144, 2143. *See also* Record of the 9805th Meeting of the United Nations Security Council, U.N. Doc. S/PV.9805, 10 December 2024, p. 23.
[22] *See generally* Nzuwonemeye Response to Order to Show Cause, 28 August 2024; Mugiraneza Submissions in Response to the Order to Show Cause, 2 September 2024 (confidential); Nteziryayo Response to Order to Show Cause, 2 September 2024 (confidential with confidential Annex A; public redacted version filed on 3 September 2024); Submissions for Mr[.] Innocent Sagahutu, 5 September 2024 (original French version filed on 1 September 2024); Nzuwonemeye Second Response to Order to Show Cause, 9 September 2024 (public with confidential Annex); Supplementary Submissions to Nteziryayo Response to Order to Show Cause, 20 September 2024 (confidential with confidential Annexes A to D); Mugiraneza Additional Submissions in Response to the Order to Show Cause, 27 September 2024 (confidential with confidential Annex A); Mugiraneza Further Additional Submissions in Response to the Order to Show Cause, 8 September 2025 (confidential). *See also* Decision in Relation to the Order to Show Cause and Motions for an Order for Additional Subsistence Funds, 21 November 2025 ("Decision of 21 November 2025"), pp. 3-5.
[23] *See* Decision of 21 November 2025, pp. 6, 7.
[24] *See* Decision of 21 November 2025, p. 7.

third relocation State willing to accept them and assess whether they wished to be repatriated to Rwanda with appropriate guarantees.[25]

11. On 26 November 2025, Mr. Nzuwonemeye filed a submission stating that, even though he disagreed with the Decision of 21 November 2025, he would not seek leave to appeal the decision at that stage or request the Appeals Chamber to consider "in the abstract" the issue of financial assistance beyond 31 December 2026.[26] Mr. Mugiraneza, Mr. Nteziryayo, and Mr. Sagahutu did not file any appeal or further submission against the Decision of 21 November 2025.

12. On 7 October 2026, the Relocated Persons filed the Motion, wherein they request that the Registrar be authorized to provide a lump sum payment of $12,400 each and the rental payment for the house in Niamey for the year 2027.[27] The Relocated Persons submit that none of the conditions on which the Decision of 21 November 2025 was premised has been fulfilled and that the Mechanism's duty of care continues so long as they remain detained in violation of the Relocation Agreement, without residence documents and without the ability to work or support themselves.[28] They refer, in particular, to the Registrar's limited efforts to seek a third State for sustainable relocation.[29]

13. The Relocated Persons further submit that: (i) there has been a material change of circumstances in that, despite earlier uncertainty, no resolution has been adopted by the Security Council and the Mechanism continues to exist and have responsibility towards the Relocated Persons;[30] (ii) the increasing political instability in Niger and the unlikelihood of the Relocated Persons being able to establish a meaningful and safe life there reinforce the need for financial assistance;[31] (iii) there is new evidence of the unsuitability of relocation to Rwanda given that Rwandan national and local officials have recently reiterated their unwillingness to accept that Mr. Mugiraneza and Mr. Nzuwonemeye have been acquitted;[32] and (iv) Mr. Nzuwonemeye's ancillary request that the Government of Rwanda inform the Government of Niger that it considers

[25] *See* Decision of 21 November 2025, pp. 7, 8.
[26] Nzuwonemeye Submission on Leave to Appeal, 26 November 2025 ("Nzuwonemeye Submission of 26 November 2025"), paras. 3-5.
[27] Motion, paras. 1, 19, 31, 32.
[28] Motion, paras. 17-19, 32. *See also* Motion, para. 14.
[29] Motion, para. 17.
[30] Motion, paras. 20, 21, 32.
[31] Motion, paras. 22, 23.
[32] Motion, paras. 24-29.

the Relocated Persons free persons who should not be detained, in line with diplomatic assurances, has not yielded any practical effect.[33]

14. On 5 November 2026, the Registrar filed submissions opposing the Motion on the basis that the Mechanism has fulfilled its limited duty of care towards the Relocated Persons, which cannot be indefinite, and that the Relocated Persons have failed to demonstrate particular circumstances justifying reconsideration of the Decision of 21 November 2025.[34] The Registrar contends that this decision was not conditional on any of the factors relied on by the Relocated Persons, including the adoption of a resolution of the Security Council, political instability in Niger, or the regularization of the situation of the Relocated Persons beyond 31 December 2026.[35]

15. According to the Registrar's Submission, the Registry has fulfilled its obligations consistent with the Decision of 21 November 2025 and implemented the Single Judge's instructions to the extent feasible, having transmitted that decision to the authorities of Niger and brought Mr. Nzuwonemeye's ancillary request to the attention of the Rwandan authorities.[36] The Registrar also remains committed to finding a third relocation State, despite existing limitations, and underlines that such relocation is not a *sine qua non* for the continuation of financial support beyond 31 December 2026.[37] The Registrar further submits that the Relocated Persons have failed to comply with the Decision of 21 November 2025 and to take concrete action to normalize their situation, despite being given sufficient notice to do so.[38]

16. On 12 November 2026, the Relocated Persons filed a joint reply, wherein they submit that the Registrar's Submission mischaracterizes the Motion as a request for reconsideration of the Decision of 21 November 2025 rather than a renewed request for assistance for the year 2027, and that the

[33] Motion, paras. 15, 30.
[34] *See*, *e.g.*, Registrar's Submission in Relation to the "Joint Defence Request for Financial Assistance for the Year 2027" of 7 October 2026, 5 November 2026 (confidential) ("Registrar's Submission"), paras. 16, 17, 28, 30, 41.
[35] Registrar's Submission, paras. 31-38. The Registrar submits that, according to the Registry's regular monitoring, the current political situation in Niger has not significantly changed following the change of Government in July 2023. *See* Registrar's Submission, paras. 26, 36. The Registrar further submits that the arguments of the Relocated Persons regarding public statements by Rwandan officials, which they argue rebut the reliability of diplomatic assurances, are similar to previous arguments addressed in the Decision of 21 November 2025. *See* Registrar's Submission, para. 38.
[36] Registrar's Submission, paras. 20-24. The Registrar also indicates that the Registry sent messages to the counsel of the Relocated Persons, who have not confirmed their agreement to return to Rwanda, while the Rwandan officials reiterated their readiness to facilitate the return of the Relocated Persons to Rwanda. *See* Registrar's Submission, paras. 24, 25.
[37] Registrar's Submission, para. 27.
[38] Registrar's Submission, paras. 17, 39, 40, 42. According to the Registrar, the Relocated Persons have explored neither the option of repatriation to Rwanda with the necessary guarantees or conditions nor alternative options for financial assistance, including through the active engagement of their families. *See* Registrar's Submission, paras. 39, 40. The Registrar also recalls that the Relocated Persons have other avenues for recourse, such as availing themselves of Niger's domestic procedures for asylum after 31 December 2026. *See* Registrar's Submission, para. 42.

Motion should be granted based on the prevailing circumstances.[39] In the alternative, the Relocated Persons submit that reconsideration is necessary in order to avoid injustice, based on new facts that undermine the premises of the Decision of 21 November 2025.[40] The Relocated Persons further submit that it is erroneous and misleading to say that they failed to take concrete action to normalize their situation, given that it is the Registrar who leads the Mechanism's efforts with the authorities of Niger and that they have repeatedly sought particulars of those efforts.[41]

II. DISCUSSION

17. Five years have passed since the Relocation Agreement held the promise of resolving the prolonged uncertainty surrounding the temporary presence of the Relocated Persons in Arusha following their acquittals by the ICTR or release.[42] This promise quickly faded at the end of December 2021 when Niger breached its international agreement with the United Nations.[43] At the beginning of 2022, I preserved the *status quo* and attempted to provide several judicial solutions to the impasse, including bringing the Relocated Persons back to Arusha.[44] This proved unsuccessful in view of legal and political constraints. Instead, over the past five years, I have ordered the Mechanism to fulfill its duty of care by providing financial support while diplomatic efforts continued.[45]

18. As I observed last year in providing one additional year of support, this duty of care is not indefinite, particularly where the Relocated Persons have failed to show that they are unable to return to their country of origin, Rwanda.[46] The Decision of 21 November 2025 was neither contingent on

[39] Joint Request for Leave to Reply to the Registrar's Submission in Relation to the "Joint Defence Request for Financial Assistance for the Year 2027", 12 November 2026 ("Reply"), para. 2, Annex, paras. 2, 4, 8-16, 33. I consider that it is in the interests of justice to grant the Relocated Persons' request for leave to file a reply to the Registrar's Submission. *See* Reply, paras. 2-4.
[40] Reply, Annex, paras. 17-27, 33.
[41] Reply, Annex, paras. 30-32. The Relocated Persons also submit that the fact that they have not pursued asylum during the period of assistance is not a failure to comply with the Decision of 21 November 2025, which identified it as an avenue available "after 31 December 2026". *See* Reply, Annex, para. 29.
[42] At the time of their relocation to Niger, the Relocated Persons had been staying in a safe house in Arusha, Tanzania, for five to eight years since their respective acquittals (on 4 February 2013 for Mr. Mugiraneza and on 11 February 2014 for Mr. Nzuwonemeye) or release (pursuant to decisions dated 9 May 2014 for Mr. Sagahutu and 9 March 2016 for Mr. Nteziryayo). *See The Prosecutor v. Justin Mugenzi and Prosper Mugiraneza*, Case No. ICTR-99-50-A, Judgement, 4 February 2013, para. 144; *The Prosecutor v. Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56-A, Judgement, 11 February 2014 (public redacted), para. 449; *Prosecutor v. Innocent Sagahutu*, Case No. MICT-13-43-ES, Public Redacted Version of the 9 May 2014 Decision of the President on the Early Release of Innocent Sagahutu (public redacted), 13 May 2014, paras. 23, 24; *Prosecutor v. Alphonse Nteziryayo*, Case No. MICT-15-90, Decision of the President on the Early Release of Alphonse Nteziryayo, 9 March 2016 (public redacted), paras. 28, 29.
[43] *See supra* paras. 2, 3.
[44] *See supra* paras. 3, 4.
[45] *See supra* paras. 6-8, 10.
[46] *See* Decision of 21 November 2025, p. 7. *See also* Appeal Decision of 27 May 2022, para. 24; Decision of 12 January 2023, p. 3.

future events nor a determination in the abstract regarding funding after 31 December 2026.[47] Rather, it rested on concrete findings that the Relocated Persons had not shown that they could not return safely to Rwanda and that, following a transition period, all funding would cease.[48] That ruling represented a final effort to afford the Relocated Persons a measure of time to prepare for and adjust to the forthcoming realities of their situation. The Relocated Persons did not appeal that determination.[49] Instead, they returned a year later with new information concerning their alleged inability to return.

19. In the interests of justice, given the gravity of their situation, I have decided to reassess carefully the ability of the Relocated Persons to return safely to Rwanda, taking into account the new information they provided. After doing so, I am still not convinced that they have demonstrated their inability to return safely. Specifically, the Relocated Persons point to a speech given by a local mayor linking Mr. Mugiraneza to the planning of the genocide and a statement made by the Rwandan Minister of Unity and Civic Engagement referring to Mr. Nzuwonemeye as a notorious perpetrator of genocide.[50] The fact that certain individual officials within the Rwandan Government do not accept the verdicts of acquittal of Mr. Mugiraneza and Mr. Nzuwonemeye as evidence of their innocence does not mean that the Rwandan State and its institutions, including its courts and security sector, will fail to respect international verdicts and Rwanda's international obligations or to protect its citizens against reprisals.

20. The Relocated Persons also point to general statements made by President Paul Kagame in June and July 2026, in which he remarked that no one is above historical scrutiny when reacting defensively to allegations of involvement in the genocide, and that the law may sometimes give way slightly when it obstructs desired goals until it is modified to match current realities.[51] These statements make no mention of the Relocated Persons, and it is highly speculative to suggest that they are directed towards them, or that they indicate an intent not to respect the verdicts of the ICTR or to deny Rwandan citizens the protection of national and international rights, including those related to

[47] *See*, *e.g.*, Nzuwonemeye Submission of 26 November 2025, para. 4; Motion, paras. 17-30, 32; Reply, Annex, paras. 9, 16, 19-26.
[48] *See* Decision of 21 November 2025, p. 7 (finding 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").
[49] *See supra* para. 11.
[50] *See* Motion, paras. 24-26; Reply, Annex, para. 19.
[51] *See* Motion, paras. 27-29.

the *non bis in idem* principle enshrined in Article 7 of the Mechanism's Statute. I remain confident that the Rwandan Government will uphold its international obligations.[52]

21. In sum, this additional information in no way alters my prior determination that the Relocated Persons have not demonstrated that they cannot safely relocate to Rwanda.[53] After following this situation for five years, I have seen the limits of international judicial intervention and the absence of a viable diplomatic solution to resolve the Relocated Persons' status in Niger or to identify a third relocation State. Numerous Security Council resolutions have asked Member States to assist to this end,[54] but none has opened its borders, except the Relocated Persons' country of nationality.

22. I am of the view, in the absence of any evidence showing they cannot safely return, that the most viable and sustainable solution is for them to relocate to Rwanda. Of course, the Mechanism cannot forcibly repatriate them; this is their choice, but it is not a choice without limits. Outside of narrow circumstances, States cannot be compelled to accept on their territory individuals who are not their nationals.[55] Once the financial assistance and international protection of the Mechanism have been lifted, the Relocated Persons' presence and support will be subject to the laws of Niger and its willingness to allow them to stay within its borders in accordance with its legal framework.

23. In view of this, I would again encourage the Relocated Persons to work with the Registry to identify a workable solution for repatriation in the absence of an imminent diplomatic breakthrough with Niger or a third relocation State. While this Decision definitively concludes the Mechanism's legal obligations towards sustaining the Relocated Persons in Niger, it does not alter its obligation to facilitate their safe repatriation to Rwanda with the Mechanism's assistance should they elect to do so. Therefore, the Registry should continue to engage with the Relocated Persons towards that end, and the Registrar is invited to consider continuing to provide limited short-term financial support, within his discretion, should a concrete plan for relocation require a measure of additional time at the beginning of 2027.

[52] *See* Decision of 21 November 2025, p. 7 (considering that "Article 7 of the [Mechanism] Statute protects the Relocated Persons from prosecution in Rwanda for any act charged before the ICTR and that the Mechanism is confident, based on the successful referral of numerous cases and the diplomatic assurances provided, that the Rwandan Government will uphold its international obligations and that further prosecution in Rwanda for acts which could have been charged by the ICTR would only frustrate the resolution of this matter").
[53] *See* Decision of 21 November 2025, pp. 6, 7.
[54] *See*, *e.g.*, United Nations Security Council Resolution 2422 (2018), U.N. Doc. S/RES/2422 (2018), para. 3; United Nations Security Council Resolution 2529 (2020), U.N. Doc. S/RES/2529 (2020), para. 4; United Nations Security Council Resolution 2740 (2024), U.N. Doc. S/RES/2740 (2024), para. 7.
[55] *See* Appeal Decision of 27 May 2022, paras. 22, 38 and references cited therein; Decision of 21 November 2025, p. 6.

24. In bringing this matter to a close, I am mindful that this is not a satisfying outcome to what has proven to be a protracted and difficult situation for the Relocated Persons. It is certainly not the end that I wished for when I was first seised of this matter at the close of 2021. The Relocation Agreement gives the Relocated Persons the right to remain peacefully in Niger, but the reality on the ground denies them that right. International law cannot enforce itself. It depends on States that consent to be bound by it to honour their commitments, and when a State breaches those obligations, as Niger has done here, it falls to the international community to uphold accountability and mitigate the resulting harm. Both the Mechanism and the Security Council have called for such assistance, yet those appeals have largely been met with silence. Judicial pronouncements alone, however principled and grounded in law, cannot compel States to open their borders, and merely perpetuating this deteriorating deadlock year after year only prolongs an untenable *status quo*. At present, only Rwanda – their State of nationality – has expressed a readiness to welcome the Relocated Persons home, and I remain confident that Rwanda and its institutions will honour their international obligations as the country continues its path towards reconciliation. Should the Relocated Persons wish to appeal this Decision, the Appeals Chamber may consider whether any other concrete and practical remedy remains available within the Mechanism's mandate. Absent such intervention, however, this is unfortunately where the matter now stands.

III. DISPOSITION

25. For the foregoing reasons, I hereby:

DISMISS the Motion;

INSTRUCT the Registry to continue to engage with the Relocated Persons to facilitate their safe repatriation to Rwanda with the Mechanism's assistance should they elect to do so; and

INVITE the Registrar, within his discretion, to provide limited short-term financial support to the Relocated Persons should a concrete plan for relocation require a measure of additional time at the beginning of 2027.

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

Done this 25th day of November 2026,
At Arusha,
Tanzania

Judge Joseph E. Chiondo Masanche
Single Judge

UNITED NATIONS
International Residual Mechanism
for Criminal Tribunals

NATIONS UNIES
Mécanisme international appelé à exercer
les fonctions résiduelles des Tribunaux pénaux

IRMCT · MIFRTP

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

I - FILING INFORMATION / *INFORMATIONS GÉNÉRALES*

To/ *À* : IRMCT Registry/ *Greffe du MIFRTP* ☒ Arusha/ *Arusha* ☐ The Hague/ *La Haye*

From/ *De* : ☐ President/ *Président* ☒ Chambers/ *Chambre* ☐ Prosecution/ *Bureau du Procureur* ☐ Defence/ *Défense* ☐ Registrar/ *Greffier* ☐ Other/ *Autre*

Case Name/ *Affaire* : **In the Matter of François-Xavier Nzuwonemeye et al.** **Case Number/ *Affaire n°* :** **MICT-22-124**

Date Created/ *Daté du* : **25 November 2026** **Date transmitted/ *Transmis le* :** **25 November 2026** **Number of Pages/ *Nombre de pages* :** **11**

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Title of Document/ *Titre du document* : **DECISION ON JOINT DEFENCE REQUEST FOR FINANCIAL ASSISTANCE FOR THE YEAR 2027**

Classification Level/ *Catégories de classification* :
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☐ Confidential/ *Confidentiel*
☐ *Ex Parte* Defence excluded/ *Défense exclue*
☐ *Ex Parte* Prosecution excluded/ *Bureau du Procureur exclu*
☐ *Ex Parte* Rule 86 applicant excluded/ *Article 86 requérant exclu*
☐ *Ex Parte* Amicus Curiae excluded/ *Amicus curiae exclu*
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Document type/ *Type de document* :
☐ Motion/ *Requête*
☒ Decision/ *Décision*
☐ Order/ *Ordonnance*
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☐ Submission from non-parties/ *Écritures déposées par des tiers*
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☐ Affidavit/ *Déclaration sous serment*
☐ Indictment/ *Acte d'accusation*
☐ Warrant/ *Mandat*
☐ Notice of Appeal/ *Acte d'appel*

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