

UNITED
NATIONS



International Residual Mechanism
for Criminal Tribunals

Case Nos.: MICT-25-134
Date: 14 October 2025
Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President
Registrar: Mr. Abubacarr M. Tambadou
Date: 14 October 2025

IN THE MATTER OF

JEAN-PAUL AKAYESU	GRÉGOIRE NDAHIMANA
AUGUSTIN BIZIMUNGU	HASSAN NGEZE
JEAN-BAPTISTE GATETE	ILDÉPHONSE NIZEYIMANA
ILDEPHONSE HATEGEKIMANA	ALOYS NTABAKUZE
JUVÉNAL KAJELIJELI	CALLIXTE NZABONIMANA
ALFRED MUSEMA	LAURENT SEMANZA
SIMÉON NCHAMIHIGO	ATHANASE SEROMBA

PUBLIC

**REGISTRAR'S FIFTH SUBMISSION ON THE "CONSOLIDATED
DECISION CONCERNING THE SEIZURE OF ELECTRONIC DEVICES"
OF 20 JANUARY 2025**

Counsel for the Applicants:

Mr. John Philpot for Mr. Jean-Paul Akayesu & Mr. Ildéphonse Nizeyimana
Mr. Steven Kay and Ms. Gillian Higgins for Mr. Alfred Musema
Ms. Marie-Hélène Proulx for Mr. Siméon Nchamihigo
Ms. Sandrine Gaillot for Mr. Aloys Ntabakuze
Mr. Philippe Larochelle for Mr. Callixte Nzabonimana

Counsel for the other convicted persons whose devices were seized:

Mr. Peter Robinson for Mr. Augustin Bizimungu & Mr. Laurent Semanza
Mr. John Philpot for Mr. Juvénal Kajelijeli
Mr. Mayombo Kassongo for Mr. Grégoire Ndahimana
Ms. Mirjana Vukajlović for Mr. Hassan Ngeze
Ms. Marie-Hélène Proulx for Mr. Jean-Baptiste Gatete

Mr. Ildephonse Hategekimana

Mr. Athanase Seromba

Government of the Republic of Benin

I. INTRODUCTION

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals (“Rules” and “Mechanism” respectively), and in compliance with the “Consolidated Decision Concerning the Seizure of Electronic Devices”,¹ I respectfully submit these updates on the implementation of the Consolidated Decision.
2. The Consolidated Decision instructed the Registrar to, *inter alia*, (i) take all reasonable and necessary measures, in coordination with the Beninese authorities, to ensure that the *status quo* of the security and physical integrity of the seized devices is preserved, including the confidentiality of material contained on said devices; (ii) liaise with the Beninese authorities to determine if and under what conditions the Applicants, and other convicted persons whose devices were seized, may be granted access to their respective seized devices that may reasonably be expected to contain documents related to their legal proceedings, in order to facilitate their work on post-conviction matters; (iii) if such access cannot be granted, liaise with the Beninese authorities and take all reasonable and necessary measures to facilitate the release of the seized items to Counsel for the Applicants, or, for individuals unrepresented by Counsel for post-conviction matters, to the Registry; and (iv) facilitate the provision of documents related to the convicted persons’ legal proceedings as requested by the convicted persons.²

II. SUBMISSIONS

3. On 17 February 2025, I filed my first submission on the implementation of the Consolidated Decision, which included information on the Registry’s actions and engagement with the Republic of Benin (“Benin”) on the seizure of electronic equipment from the convicted persons serving their sentences at the Akpro-Missérété prison under the Mechanism’s supervision (“Convicted Persons” and “Prison”, respectively).³
4. On 17 April 2025, I filed a second submission on the implementation of the Consolidated Decision, highlighting the efforts of the Registry during and following its annual mission to the Republic of Benin (“Benin”), including discussions with the *Directeur Général* of the *Autorité Pénitentiaire du Bénin* (“*Directeur Général*”) to find a solution to the matter.⁴

¹ *In the matter of Jean-Paul Akayesu et al*, Case No. MICT-25-134 (“*Akayesu et. al.*”), Consolidated Decision Concerning the Seizure of Electronic Devices, 20 January 2025 (“Consolidated Decision”).

² Consolidated Decision, page 12.

³ *Akayesu et. al.*, Registrar’s Submission on the “Consolidated Decision Concerning the Seizure of Electronic Devices” of 20 January 2025, 17 February 2025.

⁴ *Akayesu et. al.*, Registrar’s Second Submission on the “Consolidated Decision Concerning the Seizure of Electronic Devices” of 20 January 2025, public, 17 April 2025.

5. On 16 June 2025, I filed a third submission on the implementation of the Consolidated Decision, highlighting the additional efforts of the Registry to find a solution by further engaging with the *Directeur Général*.⁵
6. On 15 August 2025, I filed a fourth submission on the implementation of the Consolidated Decision, highlighting the latest efforts of the Registry in finding a solution (“Fourth Submission”).⁶
7. On 22 August 2025, the Registry received confirmation of the delivery of two computers and a printer at the Prison to allow the Convicted Persons to work safely and appropriately on their respective post-conviction cases. Their installation will be finalised once the procurement of inverters and software is completed.
8. On 27 August 2025, during a telephone conversation with the Registry, the *Directeur Général* confirmed his position as reflected in the Fourth Submission,⁷ namely, that the seized computers will not be returned to the Convicted Persons but that they can retrieve data from the devices, including data that allows them to work on post-conviction matters. He further requested the Registry to ask the Convicted Persons to contact the Prison Director and the secretariat to arrange the retrieval of their data. Upon request, the seized devices will be transferred to the Prison for that purpose and returned to a secure location for storage thereafter, unless retrieved by the family members or Counsel of the Convicted Persons.
9. On 29 August 2025, following the request for an update from Counsel for Mr. Alfred Musema on 18 August 2025, the Registry conveyed the outcome of the latest communication with the *Directeur Général* as reflected in the Fourth Submission.
10. On 8 September 2025, the Registry sent a letter to the Convicted Persons informing them of the outcome of the latest communication with the *Directeur Général* and inviting them to send their requests to access their seized computers to the Prison Director and the secretariat and recover the seized storage devices (“8 September 2025 Letter”). The Registry also updated the Convicted Persons on the procurement of the two computers and printer.
11. On 24 September 2025, the Registry sent a similar response to Mr. Aloys Ntabakuze’s letter dated 16 August 2025 requesting, *inter alia*, an update on the Registry’s efforts to find a solution for the seized items.
12. On 30 September 2025, the Registry also responded to another request for an update from Counsel for Messrs. Jean-Paul Akayesu and Ildéphonse Nizeyimana dated 7 September 2025,

⁵ Akayesu et. al., Registrar’s Third Submission on the “Consolidated Decision Concerning the Seizure of Electronic Devices” of 20 January 2025, public, 16 June 2025.

⁶ Akayesu et. al., Registrar’s Fourth Submission on the “Consolidated Decision Concerning the Seizure of Electronic Devices” of 20 January 2025, public, 15 August 2025.

⁷ See Fourth Submission, para. 6.

conveying both the outcome of the latest communication with the *Directeur Général* and the content of the 8 September 2025 letter.

13. On 1 October 2025, during a mission to Benin, the delegation composed of representatives of the President's Office and the Registry visited the Convicted Persons at the Prison. The Convicted Persons enquired about the Registry's efforts to retrieve the seized items. The Registry reiterated the content of the 8 September 2025 letter that was delivered to the Convicted Persons by the Prison secretariat on 9 September 2025 and invited them to send their requests to the Prison Director and the secretariat. The Convicted Persons expressed their discontent with the proposed solution and were insistent that the return of their seized computers to them is the only satisfactory solution for them. The Registry explained that the solution provided by the *Directeur Général* was the final decision and deemed exceptional by the Prison authorities, as their usual practice following the seizure of electronic devices in a prison is to immediately auction and sell those devices. The meeting concluded with the Convicted Persons thanking the Registry for its efforts and requesting to have an information technology specialist to oversee the transfer of data following their request to the Prison Director and the secretariat. The Registry is following up on this possibility with the United Nations Development Program in Benin.

III. CONCLUSION

14. The latest agreement with the *Directeur Général* on the transfer of data from the seized computers appears to be the only viable solution that the Beninese authorities are willing to consent to and it is consistent with the Consolidated Decision. The Registry will continue to engage the penitentiary administration and Prison authorities in Benin to arrange the retrieval of the necessary data from the seized items by the Convicted Persons.

Respectfully submitted,



Abubacarr M. Tambadou

Registrar

Done this 14th day of October 2025

At Arusha,

Tanzania.



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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 Jean-Paul Akayest <i>et al.</i>		Case Number/ Affaire n° : MICT-25-134	
Date Created/ Daté du :	14 October 2025	Date transmitted/ Transmis le :	14 October 2025	Number of Pages/ Nombre de pages : 4
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	☐ Confidential/ Confidentiel	☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu		
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