

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-I

Date: 29 October 2020

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Pre-Trial Judge

Registrar: Mr. Abubacarr Tambadou

Order of: 29 October 2020

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

**PRELIMINARY ORDER REGARDING
MEDICAL EXAMINATION OF FÉLICIEN KABUGA**

Office of the Prosecutor:

Mr. Serge Brammertz

Duty Counsel for Mr. Félicien Kabuga:

Mr. Emmanuel Altit

I, IAIN BONOMOY, Judge of the Trial Chamber of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Pre-Trial Judge in this case;¹

RECALLING that Mr. Félicien Kabuga was arrested on 16 May 2020 in France and that his transfer into the custody of the Mechanism was authorized by the French judiciary on 30 September 2020;²

RECALLING that, on 21 October 2020, I determined that exceptional circumstances and the interests of justice justified amending Kabuga’s arrest warrant and the accompanying order for transfer, which directed that he be transferred to the Arusha Branch, and I ordered that he be transferred temporarily to the United Nations Detention Unit (“UNDU”) at the Hague Branch of the Mechanism for a detailed medical assessment;³

NOTING that, on 26 October 2020, the French authorities transferred Kabuga into the custody of the Mechanism and that he is presently detained at the UNDU;

CONSIDERING that, pursuant to Rule 84(A) of the Rules of Procedure and Evidence (“Rules”), the Trial Chamber may *proprio motu* or at the request of a party order a medical, psychiatric, or psychological examination of the accused;

CONSIDERING that, in view of the parties’ and the Registrar’s prior submissions supporting Kabuga’s transfer to the Hague Branch instead of the Arusha Branch due to medical concerns,⁴ it is appropriate to order a medical examination and/or assessment of Kabuga by the Mechanism’s Medical Officer and other appropriate medically qualified personnel the Medical Officer deems necessary and the submission of a report in order: (i) to facilitate the initial appearance of the Accused; and (ii) to advise on the further steps necessary to address Kabuga’s fitness at this time and in the foreseeable future to undertake the journey to Arusha and to be held in detention there;

CONSIDERING that the report should include: (i) a summary of Kabuga’s current medical condition on the basis of the examination and other available medical information; (ii) any special measures that may be required for him to attend his initial appearance as soon as practicable

¹ See Order Designating a Pre-Trial Judge, 29 October 2020, p. 1. See also Order Assigning a Trial Chamber, 1 October 2020, p. 1.

² See Decision on Félicien Kabuga’s Motion to Amend the Arrest Warrant and Order for Transfer, 21 October 2020 (“Decision of 21 October 2020”), paras. 2, 3 and references cited therein.

³ Decision of 21 October 2020, paras. 11-18. See also *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38, Warrant of Arrest and Order for Transfer Addressed to All States, 29 April 2013, pp. 1-3.

⁴ See Decision of 21 October 2020, paras. 5-10 and references cited therein.

following the period of quarantine at the UNDU; and (iii) an indication of any aspects of Kabuga's medical condition on which the opinion of an independent medical expert should be sought;

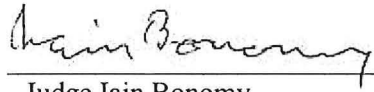
PURSUANT to Rules 55 and 84(A) of the Rules;

HEREBY ORDER a preliminary medical assessment of Kabuga as set forth above; and

INSTRUCT the Registrar, as soon as practicable but no later than seven days from this Order, to submit the medical report in accordance with this Order and to provide any other relevant information relevant to the implementation of this Order.

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

Done this 29th day of October 2020,
At Arusha,
Tanzania



Judge Iain Bony
Pre-Trial Judge

[Seal of the Mechanism]



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Date Created/ Daté du :	29 October 2020	Date transmitted/ Transmis le :	29 October 2020
		No. of Pages/ Nombre de pages :	3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda / <i>B/C/S</i>
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Rev: July 2018/ Rév. : juillet 2018