

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 6 March 2023

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Mustapha El Baaj
Judge Margaret M. deGuzman
Judge Ivo Nelson de Caires Batista Rosa, Reserve Judge

Registrar: Mr. Abubacarr M. Tambadou

Order of: 6 March 2023

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

FURTHER ORDER ON PROCEEDINGS

Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Rashid S. Rashid
Mr. Rupert Elderkin

Counsel for Mr. Félicien Kabuga:

Mr. Emmanuel Altit
Ms. Françoise Mathe

THE TRIAL CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Trial Chamber” and “Mechanism”, respectively) seized of this case;¹

RECALLING that, following the judicial recess, the Trial Chamber resumed the trial proceedings on 14 February 2023 with adjusted trial modalities while awaiting the additional independent medical experts’ report regarding Mr. Félicien Kabuga’s fitness to stand trial;²

NOTING the confidential motions filed by the Defence on 23 February 2023 and 2 March 2023, wherein the Defence requested that the hearings be suspended until the independent medical experts’ next report is received (collectively, “Motions”);³

NOTING that the joint independent medical experts’ report was submitted to the Registry on 3 March 2023 and filed on 6 March 2023;⁴

CONSIDERING that, in view of the conclusions of the independent medical experts in this joint report, it is appropriate to adjourn the evidentiary hearing scheduled to resume on 7 March 2023 and, instead, to hold a procedural hearing on 8 March 2023 at 10.00 a.m. to hear from the Parties on the practical and procedural implications of the report;

CONSIDERING that the modalities for the procedural hearing shall remain the same, including the schedule of a 90-minute court session with a 15-minute break and the Accused’s attendance by video-conference link in the event he chooses to participate;

FOR THE FOREGOING REASONS,

INFORMS the Parties that the evidentiary hearing scheduled on Tuesday, 7 March 2023 is adjourned;

ORDERS that a procedural hearing be held at 10.00 a.m. on Wednesday, 8 March 2023, in line with this Order; and

¹ See Order Assigning a Reserve Judge, 16 January 2023, pp. 1, 2. See also Order Assigning a Trial Chamber, 1 October 2020, p. 1; Order Replacing a Judge and Assigning a Reserve Judge, 26 August 2022, pp. 1, 2; Decision Under Rule 19(E), 10 January 2023, p. 1. Judge Rosa did not participate in the consideration of this Order.

² Decision on the Conduct of Trial Proceedings, 13 February 2023, paras. 18-23. See also Transcript 14 December 2022 p. 3.

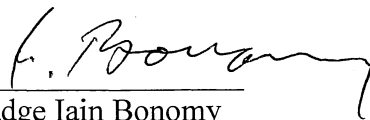
³ Defence Submissions following the UNDU Medical Officer’s Report of 22 February 2023, 2 March 2023 (original French version filed on 23 February 2023; confidential), paras. 45-63, p. 8; *Requête de la Défense présentée à la suite de la décision orale par laquelle la Chambre a décidé le 2 mars 2023 de tenir trois audiences dans la semaine du 6 mars 2023*, 2 March 2023 (confidential), paras. 48-60, p. 8.

⁴ Registrar’s Submission in Relation to the Oral Ruling of 14 December 2022, 6 March 2023 (confidential, with confidential Annex), para. 7, Annex, Registry Pagination 5030-5028.

DIMISSES the Motions as moot.

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

Done this 6th day of March 2023,
At The Hague,
The Netherlands



Judge Iain Bomy
Presiding Judge

[Seal of the Mechanism]



I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

| | | | |
|--|---|---|--|
| To/ À : | IRMCT Registry/ <i>Greffe du MIFRTP</i> | <input checked="" type="checkbox"/> Arusha/ <i>Arusha</i> | <input type="checkbox"/> The Hague/ <i>La Haye</i> |
| From/ De : | <input type="checkbox"/> President / <i>Président</i> | <input checked="" type="checkbox"/> Chambers / <i>Chambre</i> | <input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i> |
| | <input type="checkbox"/> Registrar / <i>Greffier</i> | <input type="checkbox"/> Other/ <i>Autre</i> | <input type="checkbox"/> Defence / <i>Défense</i> |
| Case Name/ Affaire : | Prosecutor v. Félicien Kabuga | Case Number/ Affaire n° : | MICT-13-38-T |
| Date Created/ Daté du : | 6 March 2023 | Date transmitted/ Transmis le : | 6 March 2023 |
| | | 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"/> Other/Autre (specify/préciser) : |
| | <input type="checkbox"/> Kinyarwanda | <input type="checkbox"/> B/C/S | |
| Title of Document/ Titre du document : | Further Order on Proceedings | | |
| Classification Level/ Catégories de classification : | <input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i> | <input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i> | <input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i> |
| | <input type="checkbox"/> Confidential/ <i>Confidentiel</i> | <input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i> | <input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i> |
| | <input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i> | <input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) : | |
| Document type/ Type de document : | | | |
| <input type="checkbox"/> Motion/ <i>Requête</i> | <input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i> | <input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i> | <input type="checkbox"/> Warrant/ <i>Mandat</i> |
| <input type="checkbox"/> Decision/ <i>Décision</i> | <input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i> | <input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i> | <input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i> |
| <input checked="" type="checkbox"/> Order/ <i>Ordonnance</i> | <input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i> | <input type="checkbox"/> Indictment/ <i>Acte d'accusation</i> | |

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

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

Send completed transmission sheet to/ *Veuillez soumettre cette fiche dûment remplie à :*

JudicialFilingsArusha@un.org OR/ OU JudicialFilingsHague@un.org

Rev: August 2019/ *Rév. : Août 2019*