

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 18 August 2023

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Mustapha El Baaj
Judge Margaret M. deGuzman

Registrar: Mr. Abubacarr M. Tambadou

Order of: 18 August 2023

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

ORDER SCHEDULING A HEARING

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) seised of this case;¹

RECALLING that, on 6 June 2023, the Trial Chamber: (i) found, Judge El Baaj dissenting, that Mr. Félicien Kabuga is not fit for trial and that he is very unlikely to regain fitness in the future; (ii) maintained the temporary stay of proceedings pending the resolution of any appeal of this conclusion; and (iii) maintained a medical monitoring regime by a panel of independent experts;²

RECALLING that, on 16 June 2023, the Trial Chamber certified for appeal the issues of Mr. Kabuga’s fitness to stand trial and the consequences thereof,³ and that, on 23 June 2023, the parties filed before the Appeals Chamber their respective appeals against the Decision of 6 June 2023;⁴

NOTING that, on 7 August 2023, the Appeals Chamber affirmed the determination that Mr. Kabuga is not fit to stand trial and is very unlikely to regain fitness in the future and, in view of the Trial Chamber’s organic familiarity with the case and the medical monitoring regime, remanded the matter to the Trial Chamber with the instruction to impose an indefinite stay of proceedings and to expeditiously address the issue of Mr. Kabuga’s detention on remand;⁵

CONSIDERING that, in determining the modalities of the indefinite stay of proceedings and expeditiously considering the issue of Mr. Kabuga’s release as instructed by the Appeals Chamber,⁶ the Trial Chamber would benefit from an in-person hearing of the parties on these issues after the filing of the next medical monitoring report to be submitted by the panel of independent experts, which is expected not later than 1 September 2023;

CONSIDERING that the parties may also raise during this hearing any issues that might normally be addressed during a status conference held pursuant to Rule 69(A) of the Rules of Procedure and Evidence (“Rules”);

¹ See Order on Composition of Trial Chamber, 15 August 2023, p. 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; Order Assigning a Reserve Judge, 16 January 2023, pp. 1, 2.

² Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 6 June 2023 (“Decision of 6 June 2023”), paras. 39, 57, 59.

³ Decision on Motions for Certification to Appeal the Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 16 June 2023, p. 2.

⁴ See *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-AR80.3, Order Assigning Appeals to a Bench of the Appeals Chamber, 23 June 2023, pp. 1, 2 and references cited therein.

⁵ See *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-AR80.3, Decision on Appeals of Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 7 August 2023 (“Decision of 7 August 2023”), paras. 48, 74, 75, 79.

⁶ See Decision of 7 August 2023, paras. 73-76.

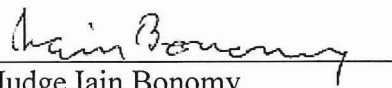
CONSIDERING that, in view of Mr. Kabuga's health condition, he may appear *via* video-conference link should he wish to attend the hearing;

PURSUANT TO Rules 55 and 69(A) of the Rules,

HEREBY SCHEDULES a hearing for Wednesday, 6 September 2023 at 10.00 a.m. in the Courtroom of the Hague Branch of the Mechanism.

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

Done this 18th day of August 2023,
At The Hague,
The Netherlands


Judge Iain Bony
Presiding Judge

[Seal of the Mechanism]



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From/ De :	☐ President / Président	☒ Chambers / Chambre	☐ Prosecution/ Bureau du Procureur	☐ Defence / Défense
	☐ Registrar / Greffier	☐ Other/ Autre		
Case Name/ Affaire :	Prosecutor v. Félicien Kabuga		Case Number/ Affaire n° :	MICT-13-38-T
Date Created/ Daté du :	18 August 2023	Date transmitted/ Transmis le :	18 August 2023	No. of Pages/ Nombre de pages : 3
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Classification Level/ Catégories de classification :	☒ Unclassified/ Non classifié	☐ Ex Parte Defence excluded/ Défense exclue		
	☐ Confidential/ Confidentiel	☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu		
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