

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No. MICT-13-38-PT

Date: 13 January 2021

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Pre-Trial Judge

Registrar: Mr. Abubacarr Tambadou

Order of: 13 January 2021

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

ORDER SCHEDULING A STATUS CONFERENCE

Office of the Prosecutor:

Mr. Serge Brammertz

Counsel for Mr. Félicien Kabuga:

Mr. Emmanuel Altit

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

RECALLING that the operative indictment against Mr. Félicien Kabuga was confirmed by the International Criminal Tribunal for Rwanda on 13 April 2011;²

RECALLING that, following his arrest in France on 16 May 2020, Kabuga was temporarily transferred on 26 October 2020 to the United Nations Detention Unit at the Hague Branch of the Mechanism (“UNDU”) for a detailed medical assessment to determine whether and under what circumstances he may be safely transferred to the Arusha Branch of the Mechanism for trial;³

RECALLING that Kabuga’s initial appearance took place in person on 11 November 2020 at the Hague Branch and that I entered a plea of not guilty on his behalf pursuant to Rule 64(A)(iv) of the Rules of Procedure and Evidence (“Rules”);⁴

CONSIDERING that, pursuant to Rule 69(A) of the Rules, a status conference shall be convened within 120 days of the initial appearance of the accused, and thereafter within 120 days of the last status conference, to organize exchanges between the parties, review the status of the case, and to allow the accused the opportunity to raise issues in relation thereto, including their mental and physical condition;

RECALLING that, on 25 November 2020, I indicated that a status conference would be scheduled between 18 January and 5 February 2021 to facilitate preparation of the case for trial and address any related issues;⁵

NOTING the reports from the UNDU Medical Officer related to Kabuga’s health;⁶

¹ See Order Assigning a Trial Chamber, 1 October 2020, p. 1; Order Designating a Pre-Trial Judge, 29 October 2020 (“Order of 29 October 2020”), p. 1.

² See *The Prosecutor v. Félicien Kabuga*, Case No. ICTR-98-44B-PT, Decision on the Prosecutor’s Request for Leave to File an Amended Indictment, 13 April 2011 (confidential); *The Prosecutor v. Félicien Kabuga*, Case No. ICTR-98-44B-I, Amended Indictment, 14 April 2011. For a detailed procedural history related to the prior indictments charging Kabuga, see Decision on Prosecutor’s Request to Amend the Arrest Warrant and Order for Transfer, 27 May 2020, paras. 2, 3.

³ See Order of 29 October 2020, p. 1; Decision on Félicien Kabuga’s Motion to Amend the Arrest Warrant and Order for Transfer, 21 October 2020, paras. 2, 11-18.

⁴ See Order Scheduling an Initial Appearance, 8 November 2020, p. 3; Transcript (“T.”) 11 November 2020 p. 39.

⁵ Order Following Initial Appearance, 25 November 2020 (“Order of 25 November 2020”), p. 3.

⁶ See Registrar’s Submission in Relation to the “Preliminary Order Regarding Medical Examination of Félicien Kabuga” of 29 October 2020, 5 November 2020 (public, with confidential Annex); Registrar’s Submission in Relation to the “Preliminary Order Regarding Medical Examination of Félicien Kabuga” of 29 October 2020, and the Judge’s Oral Order of 11 November 2020, 18 November 2020 (confidential, with confidential Annex); Registrar’s Submission in Relation to the “Order Following Initial Appearance” of 25 November 2020, 9 December 2020 (public, with confidential Annex); Registrar’s Submission in Relation to the “Order Following Initial Appearance” of

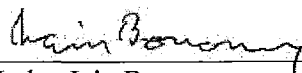
CONSIDERING that the parties should be prepared to discuss Kabuga's health and fitness to be transferred to the United Nations Detention Facility in Arusha, United Republic of Tanzania to stand trial at the Arusha Branch of the Mechanism with a view to enabling the Trial Chamber to make a final decision thereon;⁷

PURSUANT to Rule 69(A) of the Rules;

HEREBY SCHEDULE a status conference before the full Trial Chamber on Wednesday, 3 February 2021 at 2.00 p.m. in the Courtroom of the Hague Branch of the Mechanism.

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

Done this 13th day of January 2021,
At Arusha,
Tanzania



Judge Iain Bonomy
Pre-Trial Judge

[Seal of the Mechanism]

25 November 2020, 23 December 2020 (public, with confidential Annex); Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 6 January 2021 (public, with confidential Annex). *See also* Preliminary Order Regarding Medical Examination of Félicien Kabuga, 29 October 2020, pp. 1, 2 (ordering a medical assessment of Kabuga by the Mechanism's Medical Officer and other appropriate medically qualified personnel to advise, *inter alia*, on the further steps necessary to address Kabuga's fitness at that time and in the foreseeable future to undertake the journey to Arusha and to be held in detention there); T. 11 November 2020 p. 4 (reiterating that a final medical report should be provided to the Trial Chamber as soon as it is completed); Order of 25 November 2020, p. 3 (ordering the Registrar to submit medical reports regarding Kabuga's health and on-going medical assessment every 14 days, in order to facilitate the expeditious scheduling of pre-trial preparations, and, in particular, provide the information necessary to evaluate the Accused's fitness to travel to the Arusha Branch of the Mechanism).

⁷ The parties were given informal notification through the Chamber's Senior Legal Officer on 23 December 2020 to prepare to address during the status conference issues concerning Kabuga's health and fitness to travel to Arusha based on available information.



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