

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-38-PT

Date: 7 May 2021

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Iain Bonomy, Pre-Trial Judge  
**Registrar:** Mr. Abubacarr Tambadou  
**Order of:** 7 May 2021

**PROSECUTOR**

**v.**

**FÉLICIEN KABUGA**

***PUBLIC***

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**ORDER SCHEDULING A STATUS CONFERENCE**

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**Office of the Prosecutor:**

Mr. Serge Brammertz  
Mr. Rashid S. Rashid  
Mr. Rupert Elderkind

**Counsel for Mr. Félicien Kabuga:**

Mr. Emmanuel Altit

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

**RECALLING** that the operative indictment against Mr. Félicien Kabuga, confirmed by the International Criminal Tribunal for Rwanda on 13 April 2011,<sup>2</sup> was amended on 1 March 2021;<sup>3</sup>

**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;<sup>4</sup>

**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”);<sup>5</sup>

**RECALLING** that, on 26 January 2021, the status conference initially scheduled before the full Trial Chamber on 3 February 2021 was postponed in light of stringent lockdown measures and travel restrictions to combat the spread of COVID-19 imposed by the Netherlands, which included a flight ban from countries where two of the three judges reside;<sup>6</sup>

**RECALLING** that, on 9 March 2021, in view of the extension of travel restrictions and of recent developments related to Kabuga’s health, the Trial Chamber ordered that the status conference be held in the spirit of Rule 69(A) of the Rules in writing but emphasized that an in-person status conference would be convened as soon as it is feasible, safe, and appropriate to do so;<sup>7</sup>

**RECALLING** that the status conference held through the written exchanges procedure concluded by order of the Trial Chamber on 6 April 2021;<sup>8</sup>

<sup>1</sup> Order Assigning a Trial Chamber, 1 October 2020, p. 1; Order Designating a Pre-Trial Judge, 29 October 2020, p. 1.

<sup>2</sup> *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.

<sup>3</sup> Second Amended Indictment, 1 March 2021 (public, with confidential Annex). *See also* Decision on Prosecution Motion to Amend the Indictment, 24 February 2021, para. 22.

<sup>4</sup> *See* Decision on Félicien Kabuga’s Motion to Amend the Arrest Warrant and Order for Transfer, 21 October 2020, paras. 2, 14, 15, 18; Preliminary Order Regarding Medical Examination of Félicien Kabuga, 29 October 2020, p. 1.

<sup>5</sup> *See* Order Scheduling an Initial Appearance, 8 November 2020, p. 3; Transcript 11 November 2020 p. 39.

<sup>6</sup> *See* Order Scheduling a Status Conference, 13 January 2021, p. 2; Order Postponing the Status Conference, 26 January 2021, p. 1.

<sup>7</sup> *See* Order Regarding Commencement and Conduct of the Status Conference, 9 March 2021 (public, with public Annex A and confidential Annex B), pp. 1-3.

<sup>8</sup> *See* Order Concluding the Written Exchanges Procedure for the Status Conference, 6 April 2021 (public, with public Annex A and confidential Annex B), p. 1. *See also* Defence Submission in Compliance with Order of Pre-Trial Judge of

**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;

**CONSIDERING** that it is appropriate to schedule an in-person status conference at the earliest date in which the Trial Chamber can safely meet with the parties, bearing in mind lockdown measures and travel restrictions and that the Registry has informally communicated that a status conference in early June 2021 is feasible;

**NOTING FURTHER** the reports from the UNDU Medical Officer related to Kabuga's health<sup>9</sup> and the expert medical assessment that is being undertaken;<sup>10</sup>

**CONSIDERING** that, in view of his current condition and care regime, Kabuga may choose to appear via video-teleconference link or waive his right to be present, should he elect to do so;

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9 March 2021, 24 March 2021 (original French version filed on 15 March 2021; confidential and *ex parte*, with confidential Annex, and with confidential redacted and public redacted versions filed on the same day); Submissions for March 2021 Status Conference, 15 March 2021; Registrar's Submission in Compliance with "Order Regarding Commencement and Conduct of the Status Conference" of 9 March 2021, 16 March 2021 (confidential); Defence Response to Prosecution and Registry Submissions Filed in Compliance with Pre-Trial Judge's Order of 9 March 2021, 29 March 2021 (original French version filed on 19 March 2021; confidential, with public version filed on the same day); Prosecution Response to Defence Submissions for March 2021 Status Conference, 19 March 2021.

<sup>9</sup> See Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 9 December 2020 (public, with confidential Annex), Annex, Registry pagination ("RP.") 401-397; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 23 December 2020 (public, with confidential Annex), Annex, RP. 445, 444; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 6 January 2021 (public, with confidential Annex), Annex, RP. 473; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 20 January 2021 (public, with confidential Annex), Annex, RP. 829, 828; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 3 February 2021 (public, with confidential Annex), Annex, RP. 881, 880; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 22 February 2021 (public, with confidential Annex), Annex, RP. 961-958; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 2 March 2021 (public, with confidential Annex), Annex, RP. 1038-1036; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 5 March 2021 (public, with confidential Annex), Annex, RP. 1055, 1054; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 17 March 2021 (public, with confidential Annex), Annex, RP. 1142, 1141; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 31 March 2021 (public, with confidential Annex), Annex, RP. 1194, 1193; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 14 April 2021 (public, with confidential Annex), Annex, RP. 1248, 1247; Registrar's Submission in Relation to the "Order Following Initial Appearance" of 25 November 2020, 28 April 2021 (public, with confidential Annex), Annex, RP. 1300, 1299.

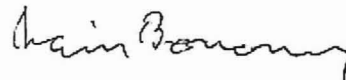
<sup>10</sup> See Decision on Defence Motion Seeking an Order for Expert Medical Assessments Pursuant to Rule 84, 15 April 2021 (confidential), para. 19; Registrar's Notification of Appointment of Medical Expert, 29 April 2021 (confidential, with confidential Annex), paras. 1-4.

**PURSUANT** to Rule 69(A) of the Rules;

**HEREBY SCHEDULE** a status conference before the full Trial Chamber on Tuesday, 1 June 2021 at 2.30 p.m. in the Courtroom of the Hague Branch of the Mechanism.

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

Done this 7th day of May 2021,  
At Arusha,  
Tanzania



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Judge Iain Bonomy  
Pre-Trial Judge

**[Seal of the Mechanism]**



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