

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-PT

Date: 4 June 2021

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Graciela Susana Gatti Santana
Judge Elizabeth Ibanda-Nahamya

Registrar: Mr. Abubacarr Tambaou

Order of: 4 June 2021

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

ORDER ESTABLISHING A PRE-TRIAL WORK PLAN

Office of the Prosecutor:

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

Counsel for Mr. Félicien Kabuga:

Mr. Emmanuel Altit

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

NOTING that, pursuant to Rule 70(D) of the Rules of Procedure and Evidence (“Rules”), a work plan shall be established indicating the obligations that the parties are required to meet in relation to preparing the case for trial, and the dates by which these obligations must be fulfilled;

RECALLING that, during the status conference held through the written exchanges procedure,² the Prosecution requested that: (i) its pre-trial brief and related Rule 70(E) filings be submitted by 15 September 2021 at the earliest and the filing of expert materials under Rule 116 of the Rules one week later; (ii) motions for adjudicated facts under Rule 115(B) of the Rules follow two weeks after the Rule 70(E) filings; and (iv) disclosure of witness statements under Rule 71(A)(ii) of the Rules follow three weeks after the Rule 70(E) filings;³

CONSIDERING that the Trial Chamber previously considered, *inter alia*, that the Prosecution’s timeframe for its pre-trial filings may frustrate Defence preparations and projections for the timely commencement of trial;⁴

CONSIDERING FURTHER that the Prosecution’s proposal as to the timing of any motions for adjudicated facts under Rule 115 of the Rules and disclosure of witness statements under Rule 71(A)(ii) of the Rules does not sufficiently account for how delays in such filings might impact Defence preparations for trial as well as the orderly and predictable scheduling of the presentation of evidence once trial commences;

RECALLING that, at the 1 June 2021 status conference held pursuant to Rule 69(A) of the Rules, the parties were given an opportunity to comment upon a draft pre-trial work plan that was informally circulated on Thursday, 28 May 2021;⁵

NOTING that, at the status conference, the Prosecution and the Defence generally agreed to adhere to the deadlines proposed therein;⁶

¹ Order Assigning a Trial Chamber, 1 October 2020, p. 1.

² See Order Regarding Commencement and Conduct of the Status Conference, 9 March 2021 (public, with public Annex A and confidential Annex B), Annex A.

³ Submissions for March 2021 Status Conference, 15 March 2021, paras. 6, 8, 11, 12. The Defence did not object to the Prosecution’s proposals. See 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), paras. 4, 6.

⁴ See Order Concluding the Written Exchanges Procedure for the Status Conference, 6 April 2021 (public, with public Annex A and confidential Annex B), Annex A, paras. 5-7.

⁵ See Draft Transcript (“T.”) 1 June 2021 p. 14.

NOTING that the health of the Accused, which is under review and subject to an expert medical evaluation, is a complicating factor that may warrant adjustments to the pre-trial work plan, in particular in relation to the timing of the Defence's obligations and the commencement of trial;⁷

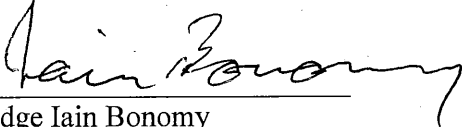
CONSIDERING that, in consultation with the Trial Chamber, the Pre-Trial Judge⁸ will continue monitoring the progress made by the parties in their pre-trial preparations and take any necessary measures to ensure the proper preparation of this case for trial and make adjustments, if necessary, based on fair trial and effective case management considerations;

PURSUANT to Rules 55, 70(D) and (K) of the Rules;

HEREBY REQUESTS the parties to carry out their obligations within the deadlines set out in the annexed Pre-Trial Work Plan.

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

Done this 4th day of June 2021,
At The Hague,
The Netherlands



Judge Iain Bonomy
Presiding Judge

[Seal of the Mechanism]

⁶ See T. 1 June 2021 pp. 14-17.

⁷ See also T. 1 June 2021 pp. 5, 6, 17, 18.

⁸ See Order Designating a Pre-Trial Judge, 29 October 2020, p. 1.

ANNEX

Pre-Trial Work Plan

Party	Task	Deadline
Prosecution	Motions for adjudicated facts, pursuant to Rule 115(B) of the Rules	Tuesday, 17 August 2021
Prosecution	Prosecution consolidated pre-trial brief, including witness and exhibit lists, pursuant to Rule 70(E) of the Rules	Monday, 23 August 2021
Prosecution	Completion of disclosure of witness statements and transcripts, pursuant to Rule 71(A)(ii) of the Rules	Monday, 23 August 2021
Prosecution	Notice of witness protective measures from prior proceedings, and motions for additional protective measures pursuant to Rules 53, 75, 86 of the Rules	Monday, 23 August 2021
Prosecution	Disclosure of expert reports, pursuant to Rule 116(A) of the Rules	Monday, 30 August 2021
Defence	Defence pre-trial submission, pursuant to Rule 70(F) of the Rules	Monday, 11 October 2021
Defence	Notice of alibi and special defences, pursuant to Rule 72(B) of the Rules	Monday, 11 October 2021
Prosecution/ Defence	Joint submission on agreed facts, pursuant to Rule 70(N) of the Rules	Monday, 18 October 2021
Defence	Notice on expert witnesses, pursuant to Rule 116(B) of the Rules	Friday, 22 October 2021
	Pre-trial conference, pursuant to Rule 81 of the Rules	On a date to be determined in November 2021
	Commencement of trial	On a date to be determined following the pre-trial conference



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