

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-PT

Date: 24 June 2021

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Pre-Trial Judge
Registrar: Mr. Abubacarr Tambadou
Order of: 24 June 2021

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

ORDER FOR SUBMISSIONS

Office of the Prosecutor:

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

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;¹

RECALLING that Mr. Félicien Kabuga is currently detained at the United Nations Detention Unit at the Hague Branch of the Mechanism (“UNDU”), awaiting 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;²

RECALLING that the Trial Chamber has been receiving bimonthly medical reports from the UNDU Medical Officer since 9 December 2020³ and that, on 15 April 2021, it instructed the Registrar, pursuant to Rule 84(A) of the Rules of Procedure and Evidence (“Rules”), to appoint an independent expert gerontologist with no prior involvement in the case to examine Kabuga and submit a detailed written report (“Medical Expert Report”);⁴

NOTING that, on 18 June 2021, the Registrar filed the Medical Expert Report;⁵

CONSIDERING that it is appropriate that the Parties and the Registrar should now have the opportunity to make submissions to the Trial Chamber, in light of the terms of the Medical Expert Report, regarding Kabuga’s health and fitness to stand trial and to be transferred to the Arusha Branch of the Mechanism;

¹ See Order Assigning a Trial Chamber, 1 October 2020, p. 1; Order Designating a Pre-Trial Judge, 29 October 2020, p. 1.

² See Decision on Félicien Kabuga’s Motion to Amend the Arrest Warrant and Order for Transfer, 21 October 2020, paras. 2, 14, 15, 18.

³ See Preliminary Order Regarding Medical Examination of Félicien Kabuga, 29 October 2020, pp. 1, 2; Transcript 11 November 2020 p. 4; Order Following Initial Appearance, 25 November 2020, p. 3. See also, e.g., Registrar’s Submission in Relation to the “Order Following Initial Appearance” of 25 November 2020, 12 May 2021 (public, with confidential Annex), Annex, Registry pagination (“RP.”) 1366, 1365; Registrar’s Submission in Relation to the “Order Following Initial Appearance” of 25 November 2020, 26 May 2021 (public, with confidential Annex), Annex, RP. 1443, 1442; Registrar’s Submission in Relation to the “Order Following Initial Appearance” of 25 November 2020, 9 June 2021 (public, with confidential Annex), Annex, RP. 1486, 1485.

⁴ Decision on Defence Motion Seeking an Order for Expert Medical Assessments Pursuant to Rule 84, 15 April 2021 (confidential), paras. 16, 19. The Registrar appointed the Medical Expert on 21 May 2021 and his report was due within 30 days of his appointment. See Registrar’s Notification of Appointment of Medical Expert, 21 May 2021 (confidential, with confidential Annex), para. 2. See also Registrar’s Notification of Appointment of Medical Expert, 29 April 2021 (confidential, with confidential Annex), para. 2; Registrar’s Submission Regarding the Appointment of an Independent Medical Expert, 7 May 2021 (confidential), paras. 2-4.

⁵ Registrar’s Submission in Relation to the “Decision on Defence Motion Seeking an Order for Expert Medical Assessments Pursuant to Rule 84” of 15 April 2021, 18 June 2021 (confidential, with confidential Annex), para. 3, Annex, RP. 1497-1494.

FOR THE FOREGOING REASONS,

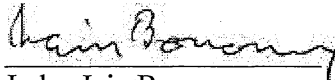
PURSUANT to Rule 55 of the Rules,

HEREBY INVITE the Parties and the Registrar to file submissions addressing the points mentioned above (“Submissions”), if any, within ten days of this Order; and

INVITE the Parties and the Registrar to file responses, if any, within seven days of the filing of the Submissions.

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

Done this 24th day of June 2021,
At Arusha,
Tanzania



Judge Iain Bonomy
Pre-Trial Judge

[Seal of the Mechanism]



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