UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

Case No. MICT-13-38

Date: 28 November 2025

Original: English

BEFORE THE APPEALS CHAMBER

Before: **A Bench of the Appeals Chamber**

Registrar: **Mr. Abubacarr M. Tambadou**

PROSECUTOR
v.
FÉLICIEN KABUGA

PUBLIC WITH
CONFIDENTIAL ANNEX

PROSECUTION APPEAL OR MOTION FOR RECONSIDERATION CONCERNING KABUGA'S RELEASE

The Office of the Prosecutor

Mr. Serge Brammertz
Mr. Rupert Elderkin
Ms. Laurel Baig

Counsel for Félicien Kabuga

Mr. Emmanuel Altit

I. OVERVIEW

1. Appellate intervention is necessary to resolve Kabuga's indefinite detention. The Appeals Chamber should enforce its 2023 Decision[1] that Kabuga must be expeditiously released and either correct the errors itself or refer the issue to the President.

2. More than two years after ordering the Trial Chamber to "expeditiously consider the appropriate modalities and conditions for his release"[2]—and nearly three years since his last trial day—Kabuga remains in the United Nations Detention Unit ("UNDU"). Six months ago, the Presiding Judge opined that Kabuga's release "might, in fact, be impossible".[3] With its latest determination that Kabuga cannot fly to Rwanda, the Trial Chamber has cemented the impossibility of Kabuga's release by limiting his options to nearby European States, which have already rejected him.[4] The Trial Chamber has been unable to execute the Appeals Chamber's Decision.

3. In order to secure Kabuga's release, the Appeals Chamber should intervene. The Appeals Chamber may be able to resolve this matter itself, or may wish to reconsider its 2023 Decision assigning this task to the Trial Chamber, referring it instead to the President. Given the diplomatic, institutional, and financial implications, and the President's supervisory role over the Registry and UNDU, she is uniquely vested with the functional authority to expeditiously secure Kabuga's release. The President is the Mechanism's institutional head and highest authority and is responsible for the overall execution of its mandate, enabling her to take pragmatic action, consistent with Kabuga's fundamental rights and the Mechanism's obligations.

II. APPELLATE INTERVENTION IS NECESSARY TO ADDRESS KABUGA'S CONTINUED DETENTION

4. The Appeals Chamber has already determined that as someone found unfit to stand trial, Kabuga should be released. The Defence has complained that his ongoing detention

1 2023 Decision, paras.75-76, 79.
2 2023 Decision, para.76.
3 Status Conference, 1 May 2025, T.32.
4 *See* Status Conference, 1 May 2025, T.6 ("The Trial Chamber has afforded Mr. Kabuga every opportunity, and every avenue of assistance available to it, to identify a state of release where he would like to go. To date, all three of his preferred options, which are located in Europe, have refused. The only state willing - and obliged - to accept him is his native country Rwanda.").

without trial violates his fundamental rights.[5] The Appeals Chamber has at least two available avenues to rectify this. One option would be to correct the Trial Chamber's errors pursuant to the Appeals Chamber's "inherent jurisdiction over the enforcement of its orders and any decisions rendered as a consequence thereof".[6] Another would be to reconsider[7] the 2023 Decision to prevent the injustice resulting from Kabuga's "continuous detention on remand".[8] Under either procedure, the Appeals Chamber would be entitled to either resolve the matter itself and release Kabuga to Rwanda, or refer the matter to the President for resolution.

III. THE TRIAL CHAMBER HAS BEEN UNABLE TO RESOLVE THE ISSUE OF KABUGA'S CONTINUED DETENTION

5. In the more than two years since the 2023 Decision, the Trial Chamber has erred in: (a) allowing the Defence to control the process; (b) giving inappropriate deference to Kabuga's preferences in assessing the Mechanism's duty of care; and (c) ignoring relevant expert opinion that Kabuga can safely fly to Rwanda. As a result of these errors, the Trial Chamber continues to detain Kabuga on remand. The Appeals Chamber should correct these errors and resolve the matter by releasing Kabuga to Rwanda.

A. The Trial Chamber erred in allowing the Defence to drive the process

6. Despite acknowledging as early as 8 March 2023 that Kabuga's Defence counsel had a "rather perverse view of the immigration system",[9] the Trial Chamber has allowed the Defence to pursue unrealistic prospects for release, exclusively in Europe, without imposing

---

5 *See* Detention Modification Application, paras.35-36.

6 *Ntagerura* Decision, para.12; *Prlić* Decision, paras.18-19; *Karemera* Decision, para.19; *Gotovina* Decision, para.5. Exercising its inherent jurisdiction is appropriate because there is no possibility of appellate intervention in an interlocutory appeal or post-judgement appeal. The certification test under Rule 80(B) is inapplicable because it relates to the conduct and advancing of "the proceedings", which have already been stayed indefinitely. *Cf Stanišić and Simatović* Decision, fn.22.

7 The Appeals Chamber has repeatedly confirmed its power to reconsider, *inter alia*, "if it is necessary to do so in order to prevent an injustice": *Šešelj* Decision, para.9; 2018 *Mladić* Decision, p.2. The Trial Chamber's delays in resolving Kabuga's release, culminating in its decision that Kabuga cannot fly to Rwanda, constitute "new facts" justifying reconsideration: 2020 *Mladić* Decision, p.2; *Ngirabatware* September 2018 Decision, p.2.

8 2023 Decision, paras.76, 78.

9 Procedural Hearing, 8 March 2023, T.28.

deadlines.[10] Its occasional mention of the situation's urgency during its thrice-yearly status conferences has not yielded meaningful progress.[11]

7. Six months after the 2023 Decision, Kabuga's attempts to secure release in two European States had already been unequivocally rejected three times by one State and at least once by the other.[12] At the March 2024 status conference, the Presiding Judge warned that the judges would eventually "have to take action ourselves, take our own initiative", should the Defence efforts prove unrealistic or untimely.[13] Yet the Trial Chamber did not order alternatives, instead allowing the Defence to continue pursuing the same two States for an additional year and eight months.

8. The Trial Chamber's November 2025 request for these European States to reconsider Kabuga's requests for residency underscores its inability to resolve the matter.[14] This renewed pressure on these States to welcome Kabuga into their territory is difficult to understand.[15] Kabuga, indicted for genocide, is excluded from protection under the Refugee Convention and European law, considered "undeserving of international protection"[16] because there are "serious reasons" for considering that he committed international crimes.[17] Not only is he subject to a confirmed genocide indictment—he also has a long history of evading justice,[18] including in at least one of the States where he seeks release.[19] For twenty years, his Europe-based family conspired with him to hide from authorities under assumed identities.[20]

---

10 *See* 2023 Trial Order, pp.1-2; 2024 Trial Order, pp.1-2.
11 *See* Status Conference, 13 December 2023, T.6; Status Conference, 26 March 2024, T.11, 19-21; Status Conference, 11 December 2024, T.9.
12 Confidential Annex, Nos.1-4. Kabuga also sought to "modify" his detention to be held in a safe house under IRMCT jurisdiction in the Netherlands, which the Netherlands categorically rejected: Detention Modification Decision, pp.2-3; Confidential Annex, Nos.7-8.
13 Status Conference, 26 March 2024, T.14-15.
14 *See* Trial Decision, para.32.
15 *See* Article 28 Decision.
16 2011 EU Directive, Article 12(2); 2016 Article, pp.17 *et seq.*
17 Refugee Convention, Art.1(F)(a).
18 2023 Decision, para.74 (Kabuga "is allegedly responsible for some of the most egregious crimes and who has evaded justice for over two decades").
19 France24, "How Rwanda genocide suspect spent 25 years on the run", 3 June 2020, https://www.france24.com/en/20200603-how-rwanda-genocide-suspect-spent-25-years-on-the-run; Reuters, "Poor health and family ties brought Rwanda genocide suspect into custody", 17 June 2020, https://www.reuters.com/article/world/poor-health-and-family-ties-brought-rwanda-genocide-suspect-into-custody-idUSKBN23O2FI/.
20 Confidential Annex, Nos.1, 9-13; Rule70#00561 (Tanzanian passport with Kabuga's photograph); Rule70#00563 (East African passport issued to Tanzanian "Albini Murunde Mtendeo" with Kabuga's photograph); Cour d'appel Dossier de Presse, p.3 (Kabuga "résidait sous une fausse identité […] avec l'assistance de ses enfants"). Kabuga lied to Swiss authorities: Rule70#00436 (Kabuga's Swiss asylum application in 1994 states he had one passport issued in Gisenyi in May 1994); Rule70#00374 (passport issued to

Regardless of Kabuga's medical condition,[21] national authorities are almost certain to reject applications from someone with this profile.

9. Although repeatedly urged by the Prosecution to consider the possibility of release in Rwanda concurrently with Defence efforts,[22] the Chamber decided in March 2024 that "Kabuga's provisional release to Rwanda is not currently a live issue".[23] This was after Rwanda had expressed willingness to assist the Mechanism with logistics necessary for Kabuga's transfer and to provide "medical care and support".[24] While the Trial Chamber considered making preliminary inquiries to Rwanda in July 2024,[25] this effort was blocked.[26] The Trial Chamber ultimately did not consult Rwanda, and on 14 November 2025 decided that there was no need to consider whether Rwanda would be an appropriate State for Kabuga's release.[27]

B. The Trial Chamber erred in inappropriately prioritising Kabuga's preferences in determining the Mechanism's duty of care

10. The Trial Chamber's inability to resolve Kabuga's release flows from its unnecessary deference to Kabuga's consent and preferences.[28] In effectively permitting Kabuga to elect to remain in detention at Mechanism expense, the Trial Chamber interpreted the Mechanism's "duty of care"[29] to be significantly higher than required by relevant human rights standards,[30] which allow for *involuntary* repatriation to an individual's country of nationality in all but the most exceptional cases.[31] Notably, the European Court of Human Rights ("ECtHR") has held

---

Kabuga in Kinshasa in February 1994); Rule70#01023 (two passports issued to Kabuga in Kigali in 1990 and in 1992).

21 Trial Decision, para.32.

22 Status Conference, 6 September 2023, T.21-22, 33-37; Status Conference, 13 December 2023, T.7; Status Conference, 26 March 2024, T.3-4; Status Conference, 24 July 2024, T.8-11; Status Conference, 1 May 2025, T.6; Status Conference, 25 September 2025, T.16.

23 Status Conference, 26 March 2024, T.3-4.

24 Rwanda Submission.

25 *See* Trial Decision, para.6.

26 August 2024 Registrar Submission, paras.3-10.

27 Trial Decision, para.31.

28 *See* Trial Decision, para.26. *See also* Status Conference, 1 May 2025, T.6; Status Conference, 6 September 2023, T.29-30, 36.

29 Trial Decision, para.30.

30 The Mechanism applies international human rights standards: *Rwamakuba* Trial Decision, paras.45, 48; *Rwamakuba* Appeal Decision, para.25.

31 The UN Human Rights Committee held that ICCPR States parties may remove a person unless there are "substantial grounds for believing that there is a real risk of irreparable harm": *Sweden* Case, para.7.5; General

that even seriously ill people may be sent to third countries without violating their fundamental rights.[32] Even in circumstances where removal might significantly reduce life expectancy, this would not be "sufficient in itself to give rise to a breach".[33]

11. The Trial Chamber's focus on Kabuga's preferences ignores its own observation that his current situation is of his own making.[34] Had Kabuga not evaded justice for decades, he could have been tried in less time than he has now been detained. Until the Trial Decision, the primary obstacle to Kabuga's release was his withholding of consent to be released in Rwanda. While refusing to go to his country of nationality, Kabuga has only explored two unrealistic options, including one where he was apprehended while living under a false identity with his family's support.

12. Moreover, to the extent that Kabuga's preference for Europe is based on family preferences, this is not a relevant consideration. Kabuga's family could relocate, visit, or continue to enjoy video-calls if Kabuga were repatriated.[35]

C. The Trial Chamber erred by disregarding relevant evidence in assessing the risk of flying Kabuga to Rwanda

13. The Trial Chamber's recent determination that Kabuga is not "fit to travel" to Rwanda means that he will continue to be detained on remand indefinitely. In reaching this erroneous decision, it ignores expert opinion and peer-reviewed scholarship that anyone can be flown

---

Comment no.31, para.12. This threshold is high: the test is whether human rights violations are a "necessary and foreseeable consequence" of a person's forced return to their home country: *Australia* Case, para.6.8; *Sweden* Case, para.7.5.

32 *See Sweden* Case, paras.6.1, 7.7; *Nakrash and Qifen*, para.6.5. Expulsion would not violate Article 3 of the European Convention on Human Rights unless "substantial grounds have been shown for believing that he or she, although not at imminent risk of dying, would face a real risk, on account of the absence of appropriate treatment in the receiving country or the lack of access to such treatment, of being exposed to a serious, rapid and irreversible decline in his or her state of health resulting in intense suffering or to a significant reduction in life expectancy.": *Paposhvili v. Belgium*, para.183; *Savran v. Denmark*, para.134.

33 *Switzerland* Case, para.31.

34 Further Fitness Decision, para.51 ("Mr. Kabuga's decision to evade justice for more than two decades resulted in the present situation").

35 *See* Registrar's Submissions in Relation to the "Order Following Initial Appearance" of 25 November 2020, filed as confidential annexes on the following dates: 9 December 2020, para.3d; 22 February 2021; 16 March 2021, para.7; 15 September 2021, para.4; 13 October 2021, para.1; 27 October 2021, para.4; 16 March 2022, para.2; 16 November 2022, para.1; 11 July 2023, para.2; 13 May 2024, para.2; 13 May 2025, para.2; 13 October 2025, para.2; 19 November 2025, para.2. *See also* Detention Modification Application, fn.16 and Annex 2.

anywhere with the appropriate air ambulance accommodations.[36] The Trial Chamber misreads the evidence of court-appointed aeromedical expert Dr. Muurling. Muurling concluded that flying Kabuga in an air ambulance would effectively avoid the most serious risks[37] by reducing cabin pressure to nearly sea level,[38] among other recommendations for mitigation.[39] Instead, the Chamber placed weight on the opinions of the panel of dementia experts, despite Dr. Mezey's clarification that such matters "largely fall[]" outside our area of expertise."[40]

14. The Trial Chamber's determination that Kabuga cannot travel to Rwanda hinges on the irrelevant concept of "fitness to fly", which it declines to define while ignoring the only evidence that explains this term. Aeromedical expert Dr. Scott explains that "fitness to fly" criteria "are only relevant to passengers travelling on commercial flights", to determine whether someone can safely travel in accordance with standards set by commercial carriers and the relevant international trade association.[41] Muurling's opinion is consistent with this understanding. His opinion that Kabuga is not "fit to fly" assumes a commercial flight, as evidenced by his references to business class seating, for example.[42] He clarifies that he would not "give a recommendation to fly/fit to fly for human beings over 80 years old".[43] He nevertheless concludes that Kabuga can safely fly on a long-range flight in an air ambulance.[44]

15. Reading Muurling as the Trial Chamber did—focusing on Kabuga's medical interests—further ignores the peer-reviewed scholarship before it, indicating that suitable aircraft can be customized to "allow[] for the safe transport of even the most critical patients of all age groups".[45] Indeed, "patients of almost any severity can be safely transported over great distances in modern air ambulance aircraft" subject to appropriate planning, aircraft choice, and in-flight care.[46] Scott confirmed this view.[47]

---

36 28 October 2024 Prosecution Submission, para.5(confidential); Veldman Article.
37 Most severe risks described at Muurling Further Report, p.1, Section A(i)(confidential); Muurling Initial Report, pp.2-3(confidential).
38 Muurling Further Report, p.2, Section A(v)(confidential).
39 Muurling Further Report, p.1, Section A(ii)-(v)(confidential).
40 Joint Report, Registry Pagination 6616-6615, para.27; 6645, para.4.1(confidential).
41 Scott Report, para.3.
42 Muurling Initial Report, p.4(confidential).
43 Muurling Further Report, p.1, Section A(i)(confidential).
44 Muurling Further Report, p.2, Section A(v)(confidential).
45 Veldman Article, p.1.
46 Veldman Article, p.1.
47 Scott Report, para.13.

IV. IN THE ALTERNATIVE, THE APPEALS CHAMBER SHOULD REFER KABUGA'S RELEASE TO THE PRESIDENT

16. If the Appeals Chamber is not convinced that it can resolve this issue, it should refer the matter to the President. The Trial Chamber's inappropriate deference to Kabuga's consent and family preferences, in spite of the consensus amongst experts with relevant expertise that travel is possible,[48] has had immense financial, institutional, and diplomatic consequences for the Mechanism at a time when its budget and operations, as with the United Nations more generally, are under scrutiny by the international community. While the Appeals Chamber's deference to the Trial Chamber's familiarity with Kabuga's medical circumstances was understandable in August 2023, it is now undeniable that effectuating his release is beyond the Trial Chamber's role.

17. The President, in contrast, is vested with the authority and competencies to resolve this multifaceted issue. The President supervises the Registry and UNDU[49] and represents the Mechanism at the Security Council. Moreover, in practical terms, resolving Kabuga's release is more akin to sentence enforcement than any other function under the Mechanism's purview, making it appropriate for the President to handle.

18. Continuing to provide for Kabuga's round-the-clock support with activities of daily living and medical care at Mechanism expense[50] is not justified by the remote possibility that one of two possible European States, both of which have previously rejected him, might eventually accept him.

V. CONCLUSION

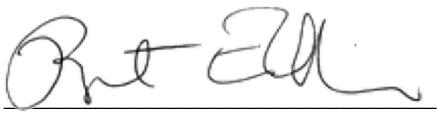
19. As the Appeals Chamber concluded more than two years ago, Kabuga should have been released from detention expeditiously. The record is clear that Rwanda is the only realistic option and that an air ambulance can safely fly him there. The Appeals Chamber

---

48 If further analysis is required, the relevant experts could be called for examination.
49 Rule 23; *Karadžić* Decision, p.1; *Ngirabatware* March 2017 Decision, p.3.
50 It is the Prosecution's understanding that the Mechanism currently expends more than US$2 million per year for the three detainees in its custody.

should intervene pursuant to one of the available procedural avenues, and either resolve the matter of Kabuga's release itself or refer the issue to the President for a speedy resolution.

Word Count: 2759



Rupert Elderkin
Senior Trial Attorney

Dated this 28th day of November 2025,
At Arusha, Tanzania

GLOSSARY

Full citation	Short Form
***Kabuga* case filings**	
Application for the Modification of Félicien Kabuga's Detention Conditions Pursuant to Rule 67, 25 July 2024 (confidential)	Detention Modification Application
Decision on Appeals of Further Decision on Félicien Kabuga's Fitness to Stand Trial, 7 August 2023	2023 Decision
Decision on Defence Request for an Article 28 Order for Provisional Release, 29 February 2024 (confidential)	Article 28 Decision
Decision on Félicien Kabuga's Application for Modification of Conditions of Detention, 29 October 2024	Detention Modification Decision
Decision on Félicien Kabuga's Fitness to Travel to Rwanda, 14 November 2025	Trial Decision
Further Decision on Félicien Kabuga's Fitness to Stand Trial, 6 June 2023	Further Fitness Decision
Order for Progress Reports in Relation to Provisional Release, 25 September 2023	2023 Trial Order
Order Amending the Progress Reporting Regime in Relation to Provisional Release, 17 December 2024	2024 Trial Order
Prosecution Submission of Expert Opinion on Aeromedical Transfers, 5 November 2025, Annex	Scott Report
Prosecution Submission Pursuant to the Chamber's 14 October 2024 Confidential Order for Submissions Concerning the Possibility of Kabuga's Release to Rwanda, 28 October 2024 (confidential)	28 October 2024 Prosecution Submission
Registrar's Submission in Relation to the "Decision on Félicien Kabuga's Fitness to Stand Trial and to be Transferred to and Detained in Arusha" of 13 June 2022, the "Further Decision on Félicien Kabuga's Fitness to Stand Trial" of 6 June 2023, the "Decision Imposing an Indefinite Stay of Proceedings" of 8 September 2023, and the "Order for Submissions" of 22 July 2024, 23 August 2024, Annex: Joint Report of the Panel of Three Independent Medical Experts, 22 August 2024 (confidential with confidential Annex)	Joint Report
Registrar's Submission in Relation to the "Decision on Registrar's Second Submission in relation to the Order of 16 December 2024" dated 7 March 2025, 22 April 2025, Annex (confidential with confidential Annex)	Muurling Initial Report
Registrar's Submission in Relation to the "Order for Submissions" of 22 July 2024, 7 August 2024 (confidential with confidential Annex)	August 2024 Registrar Submission
Registrar's Submission in Relation to the "Order for Further Submissions from the Independent Medical Expert" of 2 June 2025, 23 June 2025, Annex (confidential with confidential Annex)	Muurling Further Report
Registrar's Submission Pursuant to the Order in Relation to a Communication from the Registrar, 16 February 2024, Annex:	Rwanda Submission

Submissions from the Government of Rwanda in Relation to the Provisional Release of Félicien Kabuga dated 12 December 2023	
Other Mechanism, ICTR and ICTY	
In Re. André Ntagerura, Case No.ICTR-99-46-A28, Decision on Motion for Leave to Appeal the President's Decision on 31 March 2008 and the Decision of Trial Chamber III Rendered on 15 May 2008, 11 September 2008	*Ntagerura* Decision
Prosecutor v. Gotovina, Case No.IT-06-90-AR73.3, Decision on Joint Request of Ante Gotovina and Mladen Markač for a Writ of Mandamus, 27 March 2009	*Gotovina* Decision
Prosecutor v. Karadžić, Case No.MICT-13-55, Decision on Request for Status Conference, 1 April 2016	*Karadžić* Decision
Prosecutor v. Karemera et al., Case No.ICTR-98-44-AR82, Decision on Matthieu Ngirumpatse's Further Motions for Extension of Time and Motion for Reconsideration and on the Appeal Filed on 25 September 2009, 29 September 2009	*Karemera* Decision
Prosecutor v. Mladić, Case No.MICT-13-56-A, Decision on a Motion for Reconsideration and Certification to Appeal Decision on a Motion to Vacate the Trial Judgement and Stay the Proceedings, 26 June 2018 (public redacted version)	2018 *Mladić* Decision
Prosecutor v. Mladić, Case No.MICT-13-56-A, Decision on a Motion to Reconsider the "Decision on Motions for Hospitalization", 28 August 2020	2020 *Mladić* Decision
Prosecutor v. Ngirabatware, Case No.MICT-12-29-R, Decision on Motion to Report Government of Turkey to the United Nations Security Council and for Modification of Conditions of Detention, 22 March 2017	*Ngirabatware* March 2017 Decision
Prosecutor v. Ngirabatware, Case No.MICT-12-29-R, Decision on Prosecution Motion for Reconsideration of Decision on Ngirabatware's Motion for Review, 7 September 2018 (made public on 25 September 2019)	*Ngirabatware* September 2018 Decision
Prosecutor v. Prlic et al., Case No.IT-04-74- AR73.4, Decision on Prosecution Appeal Following Trial Chamber's Decision on Remand and Further Certification, 11 May 2007	*Prlić* Decision
Prosecutor v. Rwamakuba, Case No.ICTR-98-44C-T, Decision on Appropriate Remedy, 1 February 2007	*Rwamakuba* Trial Decision
Prosecutor v. Rwamakuba, Case No.ICTR-98-44C-A, Decision on Appeal Against Decision on Appropriate Remedy, 13 September 2007	*Rwamakuba* Appeal Decision
Prosecutor v. Šešelj, Case No.IT-03-67-AR72.1, Decision on Motion for Reconsideration of the "Decision on the Interlocutory Appeal Concerning Jurisdiction" Dated 31 August 2004, 15 June 2006	*Šešelj* Decision
Prosecutor v. Stanišić and Simatović, Case No.MICT-15-96-AR.Misc, Decision on a Prosecution Motion for Enforcement of Order for Retrial, 14 December 2018	*Stanišić and Simatović* Decision
European Materials	
A.S. v. Switzerland, Application no.39350/13, ECtHR Second	*Switzerland* Case

Section Judgment, 30 June 2015, Finalised 30 September 2015	
European Asylum Support Office, "Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU): A Judicial Analysis", January 2016, https://euaa.europa.eu/sites/default/files/public/Exclusion%20Final%20Print%20Version.pdf	2016 Article
European Parliament and Council, Directive 2011/95/EU, 13 December 2011, https://eur-lex.europa.eu/eli/dir/2011/95/oj/eng	2011 EU Directive
Paposhvili v. Belgium, Application no.41738/10, ECtHR Grand Chamber Judgment, 13 December 2016	*Paposhvili v. Belgium*
Savran v. Denmark, Application no.57467/15, ECtHR Grand Chamber Judgment, 7 December 2021	*Savran v. Denmark*
International Materials	
A.R.J. v. Australia, U.N. Doc.CCPR/C/60/D/692/1996, Views of the Human Rights Committee under article 5, paragraph 4 of the Optional Protocol of the International Covenant on Civil and Political Rights: Communication No. 692/1996, 11 August 1997, https://docs.un.org/en/ccpr/c/60/d/692/1996	*Australia* Case
Convention Relating to the Status of Refugees, 28 July 1951, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees	Refugee Convention
General Comment no.31, U.N. Doc.CCPR/C/21/Rev.1/Add. 13, 26 May 2004, https://docs.un.org/en/ccpr/c/21/rev.1/add.13	General Comment no.31
J, K, L, and M v. Sweden, U.N. Doc.CCPR/C/140/D/2936/2017, Decision adopted by the Committee under the Optional Protocol, concerning communication No. 2936/2017, 1 May 2024, https://docs.un.org/en/ccpr/c/140/d/2936/2017	*Sweden* Case
Nakrash and Qifen v. Sweden, U.N. Doc.CCPR/C/94/D/1540/2007, Decision on Communication No.1540/2007, 19 November 2008, https://docs.un.org/en/ccpr/c/94/d/1540/2007	*Nakrash and Qifen*
Article	
Alex Veldman *et al.*, "Please get me out of here: The difficult decision making in fit-to-fly assessments for international fixed-wing air ambulance operations", *Travel Medicine and Infectious Disease* (June 2023), Annex A to 28 October 2024 Prosecution Submission	Veldman Article
Miscellaneous	
Cour d'appel de Paris Parquet Général, Dossier de Presse: Procédure de remise de Félicien KABUGA au Mécanisme pour les tribunaux pénaux internationaux, 20 May 2020, https://www.cours-appel.justice.fr/sites/default/files/2020-05/2020%2005%20dossier%20de%20presse%20-%20F%C3%A9licien%20KABUGA.pdf	Cour d'appel Dossier de Presse

UNITED NATIONS
International Residual Mechanism
for Criminal Tribunals

NATIONS UNIES
Mécanisme international appelé à exercer
les fonctions résiduelles des Tribunaux pénaux

IRMCT · MIFRTP

TRANSMISSION SHEET FOR FILING OF DOCUMENTS / *FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS*

I - FILING INFORMATION / *INFORMATIONS GÉNÉRALES*

To/ À : IRMCT Registry/ Greffe du MIFRTP ☒ Arusha/ Arusha ☐ The Hague/ La Haye

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**

Date Created/ *Daté du* : **28 November 2025** **Date transmitted/ *Transmis le* :** **28 November 2025** **Number of Pages/ *Nombre de pages* :** **12**

Original Language/ *Langue de l'original :* ☒ English/ *Anglais* ☐ French/ *Français* ☐ Kinyarwanda ☐ B/C/S ☐ Other/*Autre* (specify/ *préciser*):

Title of Document/ *Titre du document* : **PROSECUTION APPEAL OR MOTION FOR RECONSIDERATION CONCERNING KABUGA'S RELEASE**

Classification Level/ *Catégories de classification :*

☒ Public/ *Document public*

☐ Confidential/ *Confidentiel*

☐ *Ex Parte* Defence excluded/ *Défense exclue*
☐ *Ex Parte* Prosecution excluded/ *Bureau du Procureur exclu*
☐ *Ex Parte* Rule 86 applicant excluded/ *Article 86 requérant exclu*
☐ *Ex Parte* Amicus Curiae excluded/ *Amicus curiae exclu*
☐ *Ex Parte* other exclusion/ *autre(s) partie(s) exclue(s)* (specify/ *préciser*) :

Document type/ *Type de document* :

☒ Motion/ Requête
☐ Decision/ Décision
☐ Order/ Ordonnance
☐ Judgement/ Jugement/Arrêt
☐ Submission from parties/ Écritures déposées par des parties
☐ Submission from non-parties/ Écritures déposées par des tiers
☐ Book of Authorities/ Recueil de sources
☐ Affidavit/ Déclaration sous serment
☐ Indictment/ Acte d'accusation
☐ Warrant/ Mandat
☐ Notice of Appeal/ Acte d'appel

II - TRANSLATION STATUS ON THE FILING DATE/ *ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT*

☒ Translation not required/ La traduction n'est pas requise

☐ Filing Party hereby submits only the original, and requests the Registry to translate/
La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction :
(Word version of the document is attached/ *La version Word du document est jointe)*

☐ English/ Anglais ☐ French/ Français ☐ Kinyarwanda ☐ B/C/S ☐ Other/Autre (specify/préciser):

☐ Filing Party hereby submits both the original and the translated version for filing, as follows/
La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :

Original/ *Original en :* ☐ English/ *Anglais* ☐ French/ *Français* ☐ Kinyarwanda ☐ B/C/S ☐ Other/*Autre* (specify/ *préciser*):

Traduction/ *Traduction en :* ☐ English/ *Anglais* ☐ French/ *Français* ☐ Kinyarwanda ☐ B/C/S ☐ Other/*Autre* (specify/ *préciser*):

☐ Filing Party will be submitting the translated version(s) in due course in the following language(s)/
La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :

☐ English/ Anglais ☐ French/ Français ☐ Kinyarwanda ☐ B/C/S ☐ Other/Autre (specify/préciser):