

**UNITED  
NATIONS**



International Residual Mechanism for  
Criminal Tribunals

Case No.: MICT-13-38-T

Date: 1 October 2025

Original: French

**BEFORE THE TRIAL CHAMBER**

**Before:** Judge Iain Bonomy, Presiding  
Judge Mustafa El Baaj  
Judge Margaret deGuzman

**Registrar:** Mr Abubacarr Tambadou

**THE PROSECUTOR**

**v.**

**FÉLICIEN KABUGA**

**PUBLIC DOCUMENT**

Public Redacted Version of the “Defence Application for Authorisation to Disclose to the French Authorities and Courts [REDACTED] in Support of Félicien Kabuga’s Application for Admission into France”

**Counsel for the Defence:**

Emmanuel Altit

**Office of the Prosecutor:**

Serge Brammertz

Rupert Elderkin

**On the Classification:**

1. The present motion has been filed confidentially as it refers to documents that are themselves confidential [REDACTED].

**I. Procedural History:**

2. On 20 December 2023, going through the Mechanism's Registry, the Defence filed an application for admission with the French Authorities.
3. On 28 February 2024, the French Embassy in the Netherlands informed the Mechanism by note verbale that France had refused Félicien Kabuga's application for admission.
4. On the same day, the Defence was informed by the Mechanism's Registry of the refusal of Félicien Kabuga's application for admission into France.
5. On 19 July 2024, following several exchanges between the Defence, the Chamber and the French Authorities, Félicien Kabuga filed a motion before the Paris Administrative Court to vacate the decision to refuse him admission.
6. On 17 June 2025, oral arguments were heard before the Paris Administrative Court.
7. During the oral arguments of 17 June 2025, the French administration maintained before the Paris Administrative Court that Félicien Kabuga's refusal was an act of government because the issue pertained to the direct relationship between the French Authorities and the Mechanism. Therefore, in the administration's view, Félicien Kabuga could not challenge this refusal.
8. With regard to the French specialist, during the same oral arguments of 17 June 2025, he explained to the Paris Administrative Court that there had been a misunderstanding over the subject of the dispute: as was his right, Félicien Kabuga was asking the French Authorities for permission to [REDACTED].

9. In its judgement of 1 July 2025, the Paris Administrative Court dismissed Félicien Kabuga's request, deeming that the refusal of admission constituted an act of government.
10. On 29 August 2025, Félicien Kabuga submitted an appeal against this decision in a motion filed the same day.
11. On 1 September 2025, Félicien Kabuga's appeal was registered by the Paris Administrative Court of Appeal.

## **II. Discussion:**

12. [REDACTED]
13. This is why the Defence respectfully requests that the Chamber authorise it to disclose the following to the Paris administrative courts and the French Authorities who may need to know of Félicien Kabuga's actions:
  - The two latest reports from the Panel of Independent Experts, disclosed by the Registry on 18 February 2025 and 13 August 2025;<sup>1</sup>
  - The Independent Medical Expert's report dated 18 April 2025;<sup>2</sup>
  - The further submissions from the Independent Medical Expert, filed on 23 June 2025;<sup>3</sup>
  - [REDACTED];<sup>4</sup>

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<sup>1</sup> *Sixth Joint Report*, 17 February 2025 (pp. 6947 to 6975 of the "Confidential Annex" to the "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", 18 February 2025; *Seventh Joint Report*, 13 August 2025 (pp. 7147 to 7177 of the "Confidential Annex" to the "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", 15 August 2025).

<sup>2</sup> *Extended advise on fitness to fly (Fit-to-Fly) for Mr. Félicien Kabuga*, 18 April 2025 (pp. 7045 to 7049 of the "Confidential Annex" to the "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).

<sup>3</sup> *Expert Gert Muurling's Response to the "Order for Further Submissions from the Independent Medical Expert"*, (pp. 7107 to 7111 of the "Confidential Annex" to the "Registrar's Submission in relation to the "Order for Further Submissions from the Independent Medical Expert" of 2 June 2025"), 23 June 2025.

- The French translations of all these documents currently available,<sup>5</sup> and those that may be disclosed subsequently by the Registry.

14. The Defence wishes to have the confidentiality of these documents lifted in order to be able to send them to the Paris administrative courts and the French Authorities in the context of the appeal against the decision issued by the Paris Administrative Court on 1 July 2025.

### **III. Conclusion:**

#### **FOR THE FOREGOING REASONS, MAY IT PLEASE THE CHAMBER TO:**

- **Authorise** the Defence to disclose to the Paris administrative courts and the French Authorities the following relevant medical information, in support of the appeal filed by Félicien Kabuga in France:
  - i. The two latest reports from the Panel of Independent Experts, disclosed by the Registry on 18 February 2025 and 13 August 2025;
  - ii. The Independent Medical Expert's report dated 18 April 2025;
  - iii. Further submissions from the Independent Medical Expert, filed on 23 June 2025;
  - iv. [REDACTED];

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<sup>4</sup> [REDACTED]

<sup>5</sup> *Sixth Joint Report*, p. 1/6980BIS to 29/6980BIS of the French translation of the "Confidential Annex" to the "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", 18 February 2025, distributed on 30 May 2025 by the Registry; *Seventh Joint Report*, 14 August 2025, p. 1/7182BIS to 33/7182BIS of the French translation of the "Confidential Annex" to the "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", 15 August 2025; *Extended Advise on Fitness to Fly (Fit-to-Fly) for Mr. Félicien Kabuga*, 18 April 2025, p. 1/7054BIS to 6/7054BIS of the French Translation of the "Confidential Annex" to the "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; Medical Report by Amanda de Glanville, Reporting Medical Officer at the United Nations IRMCT Detention Unit, 19 June 2025 p. 1/7098BIS to 2/7098BIS of the French translation of the "Confidential Annex" to the "Registrar's Submission in relation to the "Order following initial appearance" of 25 November 2020 and the "Order amending the medical reporting regime" of 25 September 2023", 19 June 2025, distributed by the Registry on 10 July 2025.

- v. The French translations of all these documents currently available, and those that may be disclosed subsequently by the Registry.

Number of words /in the original/: 1,118.

**/signed/**

Emmanuel Altit

Counsel for Félicien Kabuga

Done on 1 October 2025, in Paris, France