

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 23 January 2026

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Mustapha El Baaj
Judge Margaret M. deGuzman

Registrar: Mr. Abubacarr M. Tambadou

Order of: 23 January 2026

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

**FURTHER ORDER AMENDING THE MEDICAL
REPORTING REGIME**

Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Laurel Baig

Counsel for Mr. Félicien Kabuga:

Mr. Emmanuel Altit

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

RECALLING that the Trial Chamber has closely monitored Mr. Félicien Kabuga’s health since his transfer to the Hague Branch of the Mechanism, which includes receiving and examining regular medical reports from the Medical Officer of the United Nations Detention Unit (“UNDU”) and from the panel of independent medical experts in forensic psychiatry and neurology, composed of Professors Henry Gerard Kennedy, Gillian Mezey, and Patrick Cras (“Experts”);²

RECALLING that the proceedings against Mr. Kabuga were stayed indefinitely on 8 September 2023 following the affirmation of the Trial Chamber’s decision that he was not fit to stand trial and very unlikely to regain fitness and that, pending the resolution of the issue of his liberation on provisional release, Mr. Kabuga has remained in detention at the UNDU;³

RECALLING that the Trial Chamber maintained the medical monitoring regime by the panel of Experts, with reports on Mr. Kabuga’s fitness to stand trial being due twice a year, as well as the medical monitoring regime from the Medical Officer of the UNDU, which was partly amended on 25 September 2023;⁴

RECALLING FURTHER that the next report from the panel of Experts is due 180 days from the report filed on 15 August 2025;⁵

CONSIDERING that the monitoring regime by the panel of Experts was put in place in the context of the assessment of Mr. Kabuga’s fitness to stand trial, in order to periodically review his ability to

¹ See Order on Composition of Trial Chamber, 15 August 2023, p. 2. See also Order Assigning a Trial Chamber, 1 October 2020, p. 1; Order Replacing a Judge and Assigning a Reserve Judge, 26 August 2022, pp. 1, 2; Decision Under Rule 19(E), 10 January 2023, p. 1; Order Assigning a Reserve Judge, 16 January 2023, pp. 1, 2.

² See, e.g., Order Following Initial Appearance, 25 November 2020, p. 3; Decision on Félicien Kabuga’s Fitness to Stand Trial and to Be Transferred to and Detained in Arusha, 13 June 2022 (“Decision of 13 June 2022”), paras. 57, 62; Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 6 June 2023 (“Decision of 6 June 2023”), para. 2.

³ Decision Imposing an Indefinite Stay of Proceedings, 8 September 2023 (“Decision of 8 September 2023”), pp. 2, 5. See also Decision of 6 June 2023; *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-AR80.3, Decision on Appeals of Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 7 August 2023 (“Decision of 7 August 2023”).

⁴ See Decision of 8 September 2023, pp. 2, 5. The Trial Chamber partly amended the medical monitoring regime and instructed the Registrar to submit medical reports from the Medical Officer of the UNDU regarding Mr. Kabuga’s health once a month, or as soon as possible should there be any significant medical developments. See Order Amending the Medical Reporting Regime, 25 September 2023, pp. 1, 2.

⁵ See 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 (confidential, with confidential Annex), Annex (“Seventh Monitoring Report”).

participate meaningfully in his trial, bearing in mind that fitness is a dynamic concept and in light of the particular circumstances of this case;⁶

CONSIDERING that the four joint monitoring reports from the panel of Experts filed since the stay of the proceedings opine that Mr. Kabuga remains unfit to stand trial and unlikely to regain fitness to stand trial, with the last report filed in August 2025 observing that Mr. Kabuga’s cognitive impairment due to a dementing illness is now clinically more severe than on prior assessments;⁷

CONSIDERING FURTHER that the periodic reports of the Medical Officer of the UNDU show that Mr. Kabuga’s health has deteriorated substantially last year, and that, while stable at the moment, Mr. Kabuga’s dementia and several physical ailments have severely and permanently impaired his ability to function independently, with his treatment and care being strictly palliative;⁸

CONSIDERING that the Experts, at the Trial Chamber’s request, further advised on Mr. Kabuga’s fitness to potentially travel to and be released in the Republic of Rwanda, in the context of the Trial Chamber’s assessment of whether Rwanda might be a possible State for provisional release, and that the Trial Chamber issued its decision on 14 November 2025 determining that he is not fit to undertake such travel;⁹

⁶ See Decision of 13 June 2022, para. 57.

⁷ 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 and the “Decision Imposing an Indefinite Stay of Proceedings” of 8 September 2023, 26 February 2024 (confidential, with confidential Annex), Annex, Registry Pagination (“RP.”) 6215; 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 (confidential, with confidential Annex), Annex, RP. 6645; 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 (confidential, with confidential Annex), Annex, RP. 6972; Seventh Monitoring Report, RP. 7176.

⁸ See, e.g., 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 (public, with confidential Annex), Annex, RP. 7095, 7094; 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, 17 July 2025 (public, with confidential Annex), Annex, RP. 7128, 7127; 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, 21 August 2025 (public, with confidential Annex), Annex, RP. 7185, 7184; 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, 15 January 2026 (public, with confidential Annex), Annex, RP. 7354, 7353.

⁹ See Order for Submissions, 22 July 2024 (confidential), p. 2; Decision on Félicien Kabuga’s Fitness to Travel to Rwanda, 14 November 2025, paras. 27, 30, 32. The Prosecution has appealed the Trial Chamber’s decision and sought reconsideration of the Appeals Chamber’s Decision of 7 August 2023. See *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-AR80.4, Order Assigning Judges to a Bench of the Appeals Chamber, 8 December 2025, pp. 1, 2 and references cited therein.

CONSIDERING that the periodic reporting from the panel of Experts on Mr. Kabuga's fitness to stand trial is no longer necessary, in the present circumstances, and that any further expert opinion may be requested by the Trial Chamber should there be any significant medical developments warranting it arising, for instance, from information reported by the Medical Officer of the UNDU;

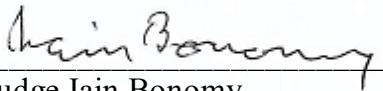
FINDING that it is, therefore, appropriate to amend the reporting regime from the panel of Experts;

FOR THE FOREGOING REASONS,

DECIDES to suspend Mr. Kabuga's periodic monitoring by the panel of Experts until further order of the Trial Chamber, if any, should there be any significant medical developments warranting it.

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

Done this 23rd day of January 2026,
At The Hague,
The Netherlands



Judge Iain Bony
Presiding Judge

[Seal of the Mechanism]