

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38

Date: 16 May 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Order of: 16 May 2026

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

**ORDER ASSIGNING A JUDGE TO
CONDUCT AN INQUIRY**

I, GRACIELA GATTI SANTANA, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

RECALLING that Mr. Félicien Kabuga (“Kabuga”) was detained at the United Nations Detention Unit (“UNDU”) in The Hague, Kingdom of the Netherlands (“Netherlands”) for charges of genocide, direct and public incitement to commit genocide, conspiracy to commit genocide, as well as persecution, extermination, and murder as crimes against humanity;¹

RECALLING that, on 8 September 2023, the proceedings against Kabuga were indefinitely stayed following the affirmation of the Trial Chamber’s decision that he was not fit to stand trial and very unlikely to regain fitness in the future;²

NOTING that the Registrar of the Mechanism (“Registrar”) informed me today that Kabuga passed away earlier today while in the custody of the UNDU;

CONSIDERING that, pursuant to Rules 50(3) of the Rules of Detention,³ the President may order an internal inquiry into the circumstances surrounding the death of any detainee;

PURSUANT TO Rule 50(3) of the Rules of Detention;

HEREBY ASSIGN Judge Alphons Orié to conduct an inquiry into the circumstances surrounding the death of Kabuga while in the custody of the UNDU and to report the findings of that inquiry to me directly as soon as is reasonably possible; and

REQUEST the Registrar to provide any assistance that is required by Judge Orié for completing the inquiry.

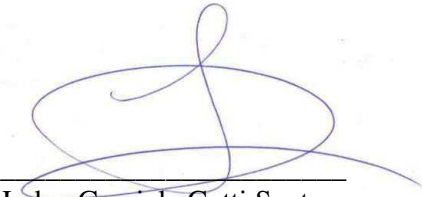
¹ *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-T, Decision Imposing an Indefinite Stay of Proceedings, 8 September 2023 (“Decision of 8 September 2023”), p. 5; *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-PT, Prosecution’s Second Amended Indictment, 1 March 2021 (public with public and confidential annexes); *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-I, Decision on Félicien Kabuga’s Motion to Amend the Arrest Warrant and Order for Transfer, 21 October 2020, para. 18.

² Decision of 8 September 2023, p. 5. See *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, paras. 48, 74-76, 79.

³ Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Mechanism or Otherwise Detained on the Authority of the Mechanism, 5 November 2018 (“Rules of Detention”).

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

Done this 16th day of May 2026,
At The Hague,
Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



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Case Name/ Affaire :	Prosecutor v. Felicien Kabuga		Case Number/ Affaire n° : MICT-13-38
Date Created/ Daté du :	16 May 2026	Date transmitted/ Transmis le :	16 May 2026
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