

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 20 May 2026

Original: English

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Abubacarr M. Tambaou

**Decision of:** 20 May 2026

**PROSECUTOR**

v.

**FÉLICIEN KABUGA**

***PUBLIC***

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**DECISION TERMINATING PROCEEDINGS**

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**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) seized of this case;<sup>1</sup>

**RECALLING** the initial indictment against Mr. Félicien Kabuga filed on 26 November 1997, the amended indictments filed on 1 October 2004 and 14 April 2011, and the operative indictment filed on 1 March 2021, charging him with crimes of genocide, direct and public incitement to commit genocide, conspiracy to commit genocide, persecution on political grounds as a crime against humanity, extermination as a crime against humanity, and murder as a crime against humanity under Articles 2(3)(a), 2(3)(b), 2(3)(c), 3(a), 3(b), 3(h), and 6(1) of the Statute of the International Criminal Tribunal for Rwanda;<sup>2</sup>

**RECALLING** that the proceedings against Mr. Kabuga were indefinitely stayed in September 2023 following the affirmation of the Trial Chamber’s decision that Mr. Kabuga was not fit to stand trial and very unlikely to regain fitness, and that Mr. Kabuga has since then remained in detention at the United Nations Detention Unit (“UNDU”) in The Hague, the Netherlands, pending the resolution of the issue of his provisional release, with a medical monitoring regime, in accordance with Rules 59, 67, and 68(A) of the Rules of Procedure and Evidence (“Rules”);<sup>3</sup>

**RECALLING FURTHER** that, following the Appeals Chamber’s instruction to maintain jurisdiction in this case, the Trial Chamber has been expeditiously addressing the issue of Mr. Kabuga’s detention, as well as the appropriate modalities and conditions for his release;<sup>4</sup>

**NOTING** that on Saturday, 16 May 2026, the Registrar of the Mechanism (“Registrar”) informed the Trial Chamber that Mr. Kabuga passed away earlier that day while in custody at the UNDU;

**NOTING FURTHER** that, on 16 May 2026, the President of the Mechanism ordered an internal inquiry into the circumstances surrounding the death of Mr. Kabuga, pursuant to Rule 50(3) of the

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<sup>1</sup> 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.

<sup>2</sup> *The Prosecutor v. Félicien Kabuga*, Case No. ICTR-97-22-I, Decision Confirming the Indictment, 26 November 1997; *The Prosecutor v. Félicien Kabuga*, Case No. ICTR-98-44B-I, Amended Indictment, 1 October 2004; *The Prosecutor v. Félicien Kabuga*, Case No. ICTR-98-44B-PT, Amended Indictment, 14 April 2011; Prosecution’s Second Amended Indictment, 1 March 2021 (public, with public and confidential annexes).

<sup>3</sup> Decision Imposing an Indefinite Stay of Proceedings, 8 September 2023, pp. 2, 5. See also Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 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”); Order Amending the Medical Reporting Regime, 25 September 2023; Further Order Amending the Medical Reporting Regime, 23 January 2026.

<sup>4</sup> See, e.g., Decision of 7 August 2023, paras. 74-79; Decision on Félicien Kabuga’s Fitness to Travel to Rwanda, 14 November 2025, paras. 2-21.

Rules of Detention, and assigned Judge Alphons Orié to conduct that inquiry and to report the findings to the President as soon as is reasonably possible;<sup>5</sup>

**FINDING** that the death of Mr. Kabuga necessarily results in the termination of the proceedings against him;<sup>6</sup>

**CONSIDERING** that all protective measures ordered in these proceedings shall continue to have effect unless and until they are rescinded, varied, or augmented in accordance with the procedures set out in the Rules;

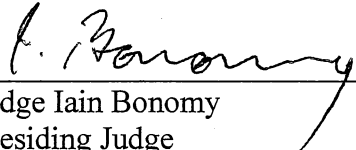
**FOR THE FOREGOING REASONS,**

**HEREBY DECIDES** that the proceedings against Mr. Félicien Kabuga are terminated; and

**INSTRUCTS** the Registrar to file a copy of Mr. Félicien Kabuga's death certificate on the record as soon as practicable after its receipt.

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

Done this 20th day of May 2026,  
At The Hague,  
The Netherlands

  
\_\_\_\_\_  
Judge Iain Bonomy  
Presiding Judge

**[Seal of the Mechanism]**

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<sup>5</sup> See Order Assigning a Judge to Conduct an Inquiry, 16 May 2026, p. 1. See also 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").

<sup>6</sup> See *Prosecutor v. Maximilien Turinabo et al.*, Case No. MICT-18-116-T, Decision Terminating Proceedings Against Maximilien Turinabo, 19 April 2021, p. 2 and references cited therein.



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<b>Date Created/ Daté du :</b>	20 May 2026	<b>Date transmitted/ Transmis le :</b>	20 May 2026	<b>Number of Pages/ Nombre de pages :</b>	3	
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