

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 7 March 2024

Original: English

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**IN THE TRIAL CHAMBER**

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

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

**Order of:** 7 March 2024

**PROSECUTOR**

v.

**FÉLICIEN KABUGA**

***PUBLIC***

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**ORDER SCHEDULING A STATUS CONFERENCE**

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**Office of the Prosecutor:**

Mr. Serge Brammertz  
Mr. Rashid S. Rashid  
Mr. Rupert Elderkin

**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** that the proceedings against Mr. Félicien 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;<sup>2</sup>

**RECALLING** that, during the indefinite stay of proceedings, Mr. Kabuga has remained in detention at the United Nations Detention Unit (“UNDU”) in accordance with Rules 59, 67, and 68(A) of the Rules of Procedure and Evidence, pending the resolution of the issue of his provisional release;<sup>3</sup>

**RECALLING FURTHER** that, in the Decision of 8 September 2023, the Trial Chamber maintained the medical monitoring regime by the panel of independent experts (“Experts”), and stated that status conferences will continue every 120 days pursuant to Rule 69 until Mr. Kabuga is released from the UNDU;<sup>4</sup>

**RECALLING** that, on 25 September 2023, the Trial Chamber ordered the Defence to submit regular updates on its progress in identifying an appropriate and willing State of provisional release for Mr. Kabuga,<sup>5</sup> and that the Defence has subsequently submitted 11 confidential progress reports;<sup>6</sup>

**RECALLING** that, on 13 December 2023, the Trial Chamber held a status conference pursuant to Rule 69;<sup>7</sup>

**NOTING** the joint monitoring report filed on 26 February 2024, in which the Experts agreed that Mr. Kabuga: (i) remains unfit to stand trial; (ii) is now unlikely to regain fitness to stand trial; and

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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> Decision Imposing an Indefinite Stay of Proceedings, 8 September 2023 (“Decision of 8 September 2023”), pp. 2, 5. See also generally 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 (“Appeal Decision of 7 August 2023”).

<sup>3</sup> Decision of 8 September 2023, pp. 2, 5.

<sup>4</sup> Decision of 8 September 2023, pp. 2, 5.

<sup>5</sup> Order for Progress Reports in Relation to Provisional Release, 25 September 2023, pp. 1, 2.

<sup>6</sup> *Onzième rapport de situation concernant la mise en liberté provisoire de Félicien Kabuga, présenté conformément à l’ordonnance rendue par la Chambre de première instance le 25 septembre 2023*, 4 March 2024 (confidential).

<sup>7</sup> Transcript 13 December 2023 pp. 1-3, 8.

(iii) is receiving care and treatment of a “high quality”, which is appropriate to his high level of need;<sup>8</sup>

**NOTING FURTHER** that, on 29 February 2024, the Trial Chamber issued a confidential decision, in which it denied Mr. Kabuga’s request to order a State to accept him onto its territory as a provisionally released accused pursuant to Article 28 of the Statute;<sup>9</sup>

**CONSIDERING** that, in expeditiously considering the issue of Mr. Kabuga’s release as instructed in the Appeal Decision of 7 August 2023, the Trial Chamber would benefit from hearing the parties on any issues normally addressed during a status conference held pursuant to Rule 69(A), as well as on the progress made by the Defence in relation to Mr. Kabuga’s prospective provisional release;

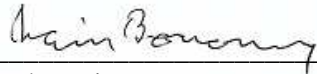
**CONSIDERING** that, in view of Mr. Kabuga’s health condition, he may appear *via* video-conference link should he wish to attend the hearing;

**FOR THE FOREGOING REASONS,**

**HEREBY SCHEDULES** a status conference for Tuesday, 26 March 2024 at 1 p.m. in the Courtroom of the Hague Branch of the Mechanism.

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

Done this 7th day of March 2024,  
At The Hague,  
The Netherlands

  
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Judge Iain Bonomy  
Presiding Judge

**[Seal of the Mechanism]**

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<sup>8</sup> 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), para. 7, Registry Pagination 6216, 6215.

<sup>9</sup> Decision on Defence Request for an Article 28 Order for Provisional Release, 29 February 2024 (confidential), pp. 4-6.



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