

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 11 August 2025

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: 11 August 2025

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

ORDER SCHEDULING A STATUS CONFERENCE

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) seised of this case;¹

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;²

RECALLING that, pending the resolution of the issue of his liberation on provisional release, Mr. Kabuga has remained in detention at the United Nations Detention Unit with a medical monitoring regime, in accordance with Rules 59, 67, and 68(A) of the Rules of Procedure and Evidence (“Rules”), and that the Trial Chamber ordered that status conferences continue to be regularly held;³

RECALLING that status conferences were held on 13 December 2023, 26 March 2024, 24 July 2024, 11 December 2024, and 1 May 2025;⁴

RECALLING that on, 18 January 2024, 29 February 2024, and 27 May 2024, the Trial Chamber issued confidential orders and decisions in relation to Mr. Kabuga’s requests addressed to different States to accept him onto their territory as a provisionally released accused;⁵

RECALLING that joint monitoring reports from the panel of court-appointed independent medical experts (“Experts”) were filed confidentially on 23 August 2024 and on 18 February 2025, in which the Experts agree that Mr. Kabuga remains unfit to plead or to stand trial, as well as medically unfit to travel;⁶

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 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.

³ See Decision of 8 September 2023, pp. 2, 5. Following consultations on 30 July 2025 by email with the Trial Chamber’s Legal Officer, the parties agreed that this status conference may take place on 25 September 2025.

⁴ Transcript (“T.”) 13 December 2023; T. 26 March 2024; T. 24 July 2024; T. 11 December 2024; T. 1 May 2025. See also Order Scheduling a Status Conference, 8 November 2023, p. 2; Order Scheduling a Status Conference, 7 March 2024, p. 2; Order Scheduling a Status Conference, 5 June 2024, p. 2; Order Scheduling a Status Conference, 23 October 2024, p. 2; Order Scheduling a Status Conference, 11 April 2025, p. 3.

⁵ See Order for Submissions, 18 January 2024 (confidential), pp. 1-3; Decision on Defence Request for an Article 28 Order for Provisional Release, 29 February 2024 (confidential; public redacted version issued on 3 June 2024), pp. 1-6; Decision on Defence Request for Assistance, 27 May 2024 (confidential), pp. 1-3.

⁶ 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, Registry

RECALLING that, on 16 December 2024, the Trial Chamber issued a confidential order, in which it instructed the Registrar to appoint a further independent medical expert to file a written report that addresses any risks to Mr. Kabuga’s physical and mental health associated with transporting him by air,⁷ and that the Registrar appointed Dr. Gert Muurling on 29 January 2025;⁸

RECALLING that, on 22 April 2025, the Registrar filed the confidential report from Dr. Muurling,⁹ in which he concludes that Mr. Kabuga cannot be deemed generally fit to fly;¹⁰

RECALLING FURTHER that, on 2 June 2025, the Trial Chamber issued an order instructing Dr. Muurling to provide further information and clarifications in response to a list of questions posed by the Trial Chamber,¹¹ and that, on 23 June 2025, the Registrar filed the supplementary report from Dr. Muurling;¹²

CONSIDERING that, as yet, no State which Mr. Kabuga has identified as one where he wishes to go has agreed to accept him;¹³

CONSIDERING that, in its expeditious consideration of the issue of Mr. Kabuga’s release, the Trial Chamber would benefit from hearing the parties on any issues normally addressed during a status conference held pursuant to Rule 69(A) of the Rules, as well as on any matter 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;

Pagination (“RP.”) 6972, 6971; 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. *See also* T. 24 July 2024 p. 8.

⁷ Order for Further Independent Medical Expert Evaluation, 16 December 2024 (confidential), pp. 3, 4.

⁸ Registrar’s Submission in Relation to the “Order for Further Independent Medical Expert Evaluation” of 16 December 2024, 4 February 2025 (confidential, with confidential Annex), para. 3.

⁹ 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 (confidential, with confidential Annex), para. 8, Annex (“Dr. Muurling’s Report”). *See also* Decision on Registrar’s Second Submission in Relation to the Order of 16 December 2024, 7 March 2025 (confidential); Registrar’s Notice of Compliance with the “Decision on Registrar’s Second Submission in Relation to the Order of 16 December 2024” Dated 7 March 2025, 24 March 2025 (confidential).

¹⁰ Dr. Muurling’s Report, RP. 7046. The Trial Chamber notes that, notwithstanding this conclusion, Dr. Muurling states that should it be the specific wish of Mr. Kabuga (or of his designated next of kin) to fly out of the Netherlands, there are several measures that are necessary to “reduce the overall risk” and ensure the flight is as safe as possible. *See* Dr. Muurling’s Report, RP. 7046, 7045.

¹¹ Order for Further Submissions from the Independent Medical Expert, 2 June 2025, p. 3, Annex, pp. 5-7.

¹² Registrar’s Submission in Relation to the “Order for Further Submissions from the Independent Medical Expert” of 2 June 2025, 23 June 2025 (confidential, with confidential Annex), p. 2, Annex, RP. 7111-7107.

¹³ *See, e.g.*, Thirty-Second Progress Report in Relation to the Provisional Release of Félicien Kabuga Pursuant to the Trial Chamber’s Orders of 25 September 2023 and 17 December 2024, 1 July 2025 (original French version filed on 23 June 2025; confidential).

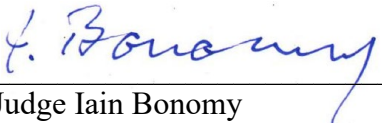
NOTING that a recording of the hearing will be made available to the public as soon as possible after its conclusion;

FOR THE FOREGOING REASONS,

HEREBY SCHEDULES a status conference for Thursday, 25 September 2025 at 2 p.m. in the courtroom of the Hague Branch of the Mechanism.

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

Done this 11th day of August 2025,
At The Hague,
The Netherlands



Judge Iain Bonomy
Presiding Judge

[Seal of the Mechanism]



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