

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-12-23-AR14.2

Date: 15 January 2026

Original: English

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**THE PRESIDENT OF THE MECHANISM**

**Before:** Judge Graciela Gatti Santana, President  
**Registrar:** Mr. Abubacarr M. Tamberou  
**Order of:** 15 January 2026

**PROSECUTOR**

**v.**

**FULGENCE KAYISHEMA**

***PUBLIC***

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**ORDER ASSIGNING JUDGES TO A BENCH OF  
THE APPEALS CHAMBER**

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**The Office of the Prosecutor:**

Mr. Serge Brammertz  
Ms. Laurel Baig

**Counsel for Mr. Fulgence Kayishema:**

Mr. Philippe Larochelle  
Ms. Kate Gibson

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

**RECALLING** that, on 22 February 2012, a trial chamber of the International Criminal Tribunal for Rwanda referred the case against Mr. Fulgence Kayishema (“Kayishema”) to the authorities of the Republic of Rwanda (“Rwanda”) for trial before the High Court of Rwanda;<sup>1</sup>

**NOTING** that, on 29 October 2025, the Trial Chamber of the Mechanism assigned in the case of *Prosecutor v. Fulgence Kayishema*, Case No. MICT-12-23 (“Trial Chamber”), issued a decision dismissing, *inter alia*, three of the four grounds submitted by Kayishema in support of his request to revoke the referral of his case and that, on 24 December 2025, the Trial Chamber also dismissed the fourth ground put forward by Kayishema (collectively, “Impugned Decisions”);<sup>2</sup>

**NOTING** that, on 8 January 2026, Kayishema filed a notice of appeal against the Impugned Decisions, arguing that the Trial Chamber erred in law by: (i) finding that the Statute of the Mechanism (“Statute”) reflects a preference for the transfer of the case; (ii) violating the principle of *audi alteram partem* and failing to respect his right to be heard, right to equality of arms, and right to have adequate time and facilities for the preparation of his defence; and (iii) failing to assess whether the conditions currently exist for him to receive a fair trial in Rwanda, as opposed to at the time when the Referral Decision was issued;<sup>3</sup>

**RECALLING** Article 12(3) of the Statute;

**PURSUANT TO** Rule 23(A) of the Rules of Procedure and Evidence of the Mechanism;

**HEREBY ASSIGN** the following Judges to a bench of the Appeals Chamber to consider the Notice of Appeal:

Judge Graciela Gatti Santana, Presiding;

Judge Carmel Agius;

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<sup>1</sup> *Prosecutor v. Fulgence Kayishema*, Case No. ICTR-01-67-R11bis, Decision on Prosecutor’s Request for Referral to the Republic of Rwanda, 22 February 2012 (“Referral Decision”), para. 162, p. 44.

<sup>2</sup> *Prosecutor v. Fulgence Kayishema*, Case No. MICT-12-23-R14.1, Decision on Fulgence Kayishema’s Requests for Revocation of Referral and Assignment of Counsel, 29 October 2025 (“Decision of 29 October 2025”), p. 9; Further Decision on Fulgence Kayishema’s Request for Revocation of Referral, 24 December 2025, p. 6. Kayishema filed a notice of appeal against the Decision of 29 October 2025 but, on 25 November 2025, I declined to compose a bench of the appeals chamber before the Trial Chamber had issued its final adjudication of Kayishema’s request for revocation. See *Prosecutor v. Fulgence Kayishema*, Case No. MICT-12-23-AR14.1, Decision in Relation to Defence Notice of Appeal Against “Decision on Fulgence Kayishema’s Requests for Revocation of Referral and Assignment of Counsel”, 25 November 2025.

<sup>3</sup> Defence Notice of Consolidated Appeal Against Decisions on Defence Request for Revocation of Referral, 8 January 2026 (“Notice of Appeal”), paras. 1, 19-20, 22, 24-25.

Judge Florence Rita Arrey;

Judge Liu Daqun; and

Judge Seon Ki Park.

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

Done this 15th day of January 2026,  
At Arusha,  
Tanzania.



Judge Graciela Gatti Santana  
President

**[Seal of the Mechanism]**



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