

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 23 October 2024

Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Abubacarr M. Tambaou

Order of: 23 October 2024

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) seized 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, and that the Trial Chamber ordered that status conferences continue to be held every 120 days and that regular reports be submitted by the Defence on progress in identifying a State of provisional release;³

RECALLING that status conferences were held on 13 December 2023, 26 March 2024, and 24 July 2024;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 request addressed to different States to accept him onto their territory as a provisionally released accused;⁵

RECALLING FURTHER that a joint monitoring report from the panel of court-appointed independent medical experts (“Experts”) was filed on 23 August 2024, in which the Experts agree that Mr. Kabuga remains unfit to plead or to stand trial;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; Order for Progress Reports in Relation to Provisional Release, 25 September 2023, pp. 1, 2. See also *Vingt-septième 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*, 14 October 2024 (confidential) (“Progress Report of 14 October 2024”). While the next status conference should be held around 21 November 2024, the parties have agreed that it may take place during month of December. The consultation with the parties took place by email through the Trial Chamber’s Senior Legal Officer on 3 and 4 October 2024.

⁴ Transcript (“T.”) 13 December 2023; T. 26 March 2024; T. 24 July 2024. 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.

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.

RECALLING also that, as yet, no State which Mr. Kabuga has identified as one where he wishes to go has agreed to accept him;⁷

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), as well as on any matter in relation to Mr. Kabuga's prospective provisional release;

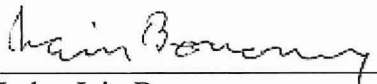
CONSIDERING that, in view of Mr. Kabuga's health condition, he may appear *via* video-conference link should he wish to attend the hearing;

FOR THE FOREGOING REASONS,

HEREBY SCHEDULES a status conference for Wednesday, 11 December 2024 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 23rd day of October 2024,
At The Hague,
The Netherlands



Judge Iain Bonomy
Presiding Judge

[Seal of the Mechanism]

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 Felicien 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, Registry Pagination 6645.

⁷ See, e.g, Progress Report of 14 October 2024.



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Case Name/ Affaire :	Prosecutor v. Félicien Kabuga		Case Number/ Affaire n° : MICT-13-38-T
Date Created/ Daté du :	23 October 2024	Date transmitted/ Transmis le :	23 October 2024
		Number of Pages/ Nombre de pages :	3
Original Language/ Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda
		<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/ préciser):
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Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
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