

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 7 July 2023

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Mustapha El Baaj
Judge Margaret M. deGuzman
Judge Ivo Nelson de Caires Batista Rosa, Reserve Judge

Registrar: Mr. Abubacarr M. Tambadou

Order of: 7 July 2023

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
Ms. Françoise Mathe

THE TRIAL CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Trial Chamber” and “Mechanism”, respectively) seised of this case;¹

RECALLING the operative indictment against Mr. Félicien Kabuga;²

RECALLING that Mr. Kabuga’s initial appearance took place in-person on 11 November 2020,³ and that status conferences pursuant to Rule 69 of the Rules of Procedure and Evidence (“Rules”) were held by way of written procedure on 6 April 2021 and in-person on 1 June 2021, 6 October 2021, 3 February 2022, 11 May 2022, and 18 August 2022;⁴

RECALLING that trial proceedings, commencing with the presentation of the Prosecution’s case, were held between 29 September 2022 and 22 December 2022 and between 14 February 2023 and 2 March 2023;⁵

RECALLING that, between 15 and 30 March 2023, the Trial Chamber heard the testimony from three independent medical experts, as well as oral submissions from the parties, regarding Mr. Kabuga’s fitness to stand trial,⁶ and that, during the hearing of 30 March 2023, the Trial Chamber temporarily stayed the hearing of the Prosecution’s evidence, pending the resolution of issues related to Mr. Kabuga’s fitness to stand trial;⁷

RECALLING FURTHER that, on 6 June 2023, the Trial Chamber issued its decision on Mr. Kabuga’s fitness to stand trial and, in so doing, maintained the temporary stay of the hearing of the Prosecution evidence until the expiration of the period for seeking certification to appeal or the resolution of any appeal of the Decision of 6 June 2023;⁸

¹ See Order Assigning a Reserve Judge, 16 January 2023, pp. 1, 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.

² Prosecution’s Second Amended Indictment, 1 March 2021 (public, with public and confidential Annexes). See also Decision on Prosecution Motion to Amend the Indictment, 24 February 2021, para. 22.

³ See Order Scheduling an Initial Appearance, 8 November 2020, p. 3.

⁴ See Order Scheduling the Pre-Trial Conference, 7 July 2022, pp. 1, 2. See also T. 18 August 2022 pp. 1, 11, 21.

⁵ See Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 6 June 2023 (“Decision of 6 June 2023”), paras. 8, 15.

⁶ The Trial Chamber heard the testimony of Professor Henry Kennedy between 15 and 17 March 2023, the testimony of Professor Gillian Mezey on 23 March 2023, the testimony of Professor Patrick Cras on 29 March 2023, and the oral submissions from the parties on 30 March 2023.

⁷ See T. 30 March 2023 p. 48.

⁸ Decision of 6 June 2023, para. 59.

NOTING that, on 23 June 2023, the parties filed before the Appeals Chamber their respective appeals against the Decision of 6 June 2023;⁹

OBSERVING that trial proceedings have, therefore, been suspended since 30 March 2023;

CONSIDERING that, although the Trial Chamber and the parties continue to receive reports every two weeks from the Medical Officer of the United Nations Detention Unit in relation to Mr. Kabuga's health,¹⁰ it is prudent to hold a status conference in line with Rule 69(A) of the Rules to allow the parties to raise any relevant issues that may have arisen since the last hearing;

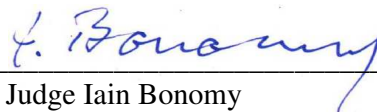
CONSIDERING that, in view of Mr. Kabuga's health condition, the Trial Chamber suggests that he appear *via* video-conference link;

FOR THE FOREGOING REASONS,

HEREBY SCHEDULES a status conference for Monday, 17 July 2023 at 11.30 a.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 July 2023,
At The Hague,
The Netherlands



Judge Iain Bonomy
Presiding Judge

[Seal of the Mechanism]

⁹ See *Prosecutor v. Félicien Kabuga*, Case No. MICT-13-38-AR80.3, Order Assigning Appeals to a Bench of the Appeals Chamber, 23 June 2023, pp. 1, 2 and references cited therein.

¹⁰ See Order Following Initial Appearance, 25 November 2020, p. 3. See also T. 8 March 2023 p. 1.



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