

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 5 June 2024

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:** 5 June 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 on 8 September 2023 following the affirmation of the Trial Chamber’s decision that he was not fit to stand trial and very unlikely to regain fitness;<sup>2</sup>

**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;<sup>3</sup>

**RECALLING** that status conferences were held on 13 December 2023 and 26 March 2024;<sup>4</sup>

**RECALLING FURTHER** 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;<sup>5</sup>

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

**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 the further progress the Defence has

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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 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.

<sup>3</sup> 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 Seventeenth Progress Report in Relation to the Provisional Release of Félicien Kabuga Pursuant to the Trial Chamber’s Order of 25 September 2023, 31 May 2024 (confidential; original French version filed on 27 May 2024).

<sup>4</sup> T. 13 December 2023; T. 26 March 2024. See also Order Scheduling a Status Conference, 8 November 2023, p. 2; Order Scheduling a Status Conference, 7 March 2024, p. 2.

<sup>5</sup> 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.

made and which it anticipate making in the next three months or so in relation to Mr. Kabuga's prospective provisional release;

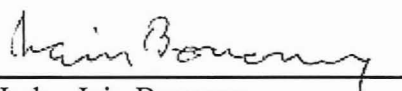
**CONSIDERING** that, in view of Mr. Kabuga's health condition, he may appear *via* video-conference link should he wish to attend the hearing;

**FOR THE FOREGOING REASONS,**

**HEREBY SCHEDULES** a status conference for Wednesday, 24 July 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 5th day of June 2024,  
At The Hague,  
The Netherlands

  
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Judge Iain Bony  
Presiding Judge

[Seal of the Mechanism]



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