

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 8 November 2023

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: 8 November 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

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

RECALLING that, on 6 September 2023, the Trial Chamber held a status conference pursuant to Rule 69 of the Rules of Procedure and Evidence;²

RECALLING that, on 8 September 2023, the Trial Chamber determined that, while it expeditiously considers the issue of Mr. Félicien Kabuga’s provisional release, it was appropriate to give effect to the instruction identified in the Appeal Decision of 7 August 2023 and to order an indefinite stay of proceedings in this case;³

RECALLING that, during the indefinite stay of proceedings, Mr. Kabuga has remained in detention at the United Nations Detention Unit (“UNDU”) in accordance with Rules 59, 67, and 68(A) of the Rules, pending the resolution of the issue of his provisional release;⁴

RECALLING FURTHER that, in the Decision of 8 September 2023, the Trial Chamber stated that it would continue to convene status conferences every 120 days pursuant to Rule 69 of the Rules until Mr. Kabuga is released from the UNDU;⁵

RECALLING that, on 25 September 2023, the Trial Chamber ordered the Defence to file regular updates on the steps it has taken and the progress it has made in identifying an appropriate and willing State of provisional release;⁶

NOTING that, since the Order of 25 September 2023, the Defence has filed two progress reports;⁷

CONSIDERING that, in expeditiously considering the issue of Mr. Kabuga’s release as instructed in the Appeal Decision of 7 August 2023, the Trial Chamber would benefit from hearing the parties

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 T. 6 September 2023 pp. 1, 41. See also Order Scheduling a Hearing, 18 August 2023, pp. 1, 2.

³ Decision Imposing an Indefinite Stay of Proceedings, 8 September 2023 (“Decision of 8 September 2023”), pp. 2, 4, 5. See also T. 6 September 2023 pp. 13, 14; *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 (“Appeal Decision of 7 August 2023”), paras. 48, 74-76, 79; Further Decision on Félicien Kabuga’s Fitness to Stand Trial, 6 June 2023, paras. 39, 59.

⁴ Decision of 8 September 2023, pp. 2, 5.

⁵ Decision of 8 September 2023, pp. 2, 5.

⁶ Order for Progress Reports in Relation to Provisional Release, 25 September 2023 (“Order of 25 September 2023”), pp. 1, 2 (wherein the Defence was ordered to file confidential or, where necessary, confidential and *ex parte* submissions every 14 days).

⁷ Second Progress Report in Relation to the Provisional Release of Félicien Kabuga Pursuant to the Trial Chamber’s Order of 25 September 2023, 31 October 2023 (original French version filed on 30 October 2023; confidential); First

not only on any issues normally addressed during a status conference held pursuant to Rule 69(A) of the Rules, but also on the progress made by the Defence in relation to Mr. Kabuga's prospective provisional release;

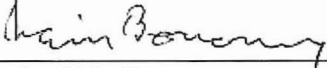
CONSIDERING that, in view of Mr. Kabuga's health condition, he may appear *via* video-conference link should he wish to attend the hearing;

FOR THE FOREGOING REASONS,

HEREBY SCHEDULES a status conference for Wednesday, 13 December 2023 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 8th day of November 2023,
At The Hague,
The Netherlands



Judge Iain Bonomy
Presiding Judge

[Seal of the Mechanism]



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