

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 30 January 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. Tambaou

Order of: 30 January 2023

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

ORDER ON PROCEEDINGS

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) seized of this case;¹

RECALLING that, on 22 December 2022, the Trial Chamber adjourned the proceedings until after the judicial recess, with the resumption of the trial scheduled for 17 January 2023;²

NOTING that, on 4 and 11 January 2023, the Medical Officer at the United Nations Detention Unit (“UNDU”) informed the Trial Chamber that Mr. Félicien Kabuga’s health was affected by an intercurrent health incident and that, while in recovery, he was still experiencing significant levels of fatigue;³

RECALLING that, on the basis of these reports, the Trial Chamber, on 12 January 2023, granted a joint request from the Defence and Prosecution to postpone proceedings until 31 January 2023;⁴

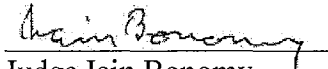
NOTING a further report received from the UNDU Medical Officer on 26 January 2023 reflecting that Mr. Kabuga continues to be negatively impacted by his recent health incident and that it was not medically recommended to recommence proceedings under the existing trial modalities;⁵

FOR THE FOREGOING REASONS,

ORDERS that the trial proceedings remain adjourned until 10.00 a.m. on Tuesday, 7 February 2023, without prejudice to the pending litigation on the Accused’s fitness for trial.

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

Done this 30th day of January 2023,
At The Hague,
The Netherlands


Judge Iain Bony
Presiding Judge

[Seal of the Mechanism]

¹ See Order Assigning a Reserve Judge, 16 January 2023, pp. 1, 2. See also Decision Under Rule 19(E), 10 January 2023, p. 1; Order Replacing a Judge and Assigning a Reserve Judge, 26 August 2022, pp. 1, 2; Order Assigning a Trial Chamber, 1 October 2020, p. 1. Judge Rosa, who was recently assigned as a Reserve Judge in the present case, did not participate in the consideration of this order.

² Transcript 22 December 2022 p. 33.

³ Registrar’s Submission in Relation to the “Order Following Initial Appearance” of 25 November 2020, 4 January 2023 (public, with confidential Annex), Annex, Registry Pagination (“RP.”) 4711; Registrar’s Submission in Relation to the “Order Following Initial Appearance” of 25 November 2020, 11 January 2023 (public, with confidential Annex), Annex, RP. 4734, 4733.

⁴ The request was received by email on 6 January 2023 and was granted by the Trial Chamber by email through its Senior Legal Officer on 12 January 2023.

⁵ Registrar’s Submission in Relation to the “Order Following Initial Appearance” of 25 November 2020, 26 January 2023 (public, with confidential Annex), Annex, RP. 4856, 4855.



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