

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-13-38-T

Date: 10 March 2023

Original: English

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**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:** 10 March 2023

**PROSECUTOR**

v.

**FÉLICIEN KABUGA**

***PUBLIC***

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**SCHEDULING ORDER**

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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  
Ms. Françoise Mathe

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

**RECALLING** that, following the judicial recess, the Trial Chamber resumed the trial proceedings on 14 February 2023 with adjusted trial modalities while awaiting an additional joint report from Professor Henry Kennedy, Professor Patrick Cras, and Professor Gillian Mezey (“Independent Medical Experts”) regarding Mr. Félicien Kabuga’s fitness to stand trial;<sup>2</sup>

**NOTING** that the joint Independent Medical Experts’ report was submitted to the Registry on 3 March 2023 and filed on 6 March 2023;<sup>3</sup>

**CONSIDERING** that, in view of the conclusions in this joint report and of the oral submissions received from the Parties on 8 March 2023,<sup>4</sup> it is appropriate to maintain the stay of evidentiary hearings pending the resolution of the issue of Mr. Kabuga’s fitness to stand trial;<sup>5</sup>

**CONSIDERING FURTHER** that the Trial Chamber will benefit from an examination in court of the Independent Medical Experts in order to guide its decision on the future course of this trial;

**NOTING** that it is anticipated that the Trial Chamber will hear oral submissions from the Parties immediately following the testimonies of the Independent Medical Experts, unless circumstances dictate otherwise;

**NOTING FURTHER** that the current modalities shall remain in force for these hearings, including 90-minute court sessions with a 15-minute break and the Accused’s attendance by video-conference if he chooses to participate;

**FOR THE FOREGOING REASONS,**

**HEREBY INFORMS** the Parties that the hearing of the Prosecution’s evidence remains temporarily stayed;

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<sup>1</sup> 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.

<sup>2</sup> Decision on the Conduct of Trial Proceedings, 13 February 2023, paras. 18, 22, 23. See also Transcript (“T.”) 14 December 2022 p. 3.

<sup>3</sup> Registrar’s Submission in Relation to the Oral Ruling of 14 December 2022, 6 March 2023 (confidential, with confidential Annex), para. 7, Annex, Registry Pagination 5030-5028.

<sup>4</sup> See T. 8 March 2023 pp. 2-30.

<sup>5</sup> See Further Order on Proceedings, 6 March 2023, p. 1. See also T. 8 March 2023 p. 1.

**SCHEDULES** the examinations of the Independent Medical Experts as follows:

Professor Henry Kennedy at 10.00 a.m. on Wednesday, 15 March 2023;

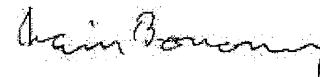
Professor Gillian Mezey at 10.00 a.m. on Thursday, 23 March 2023;

Professor Patrick Cras at 10.00 a.m. on Wednesday, 29 March 2023; and

**NOTIFIES** the Parties that they should be prepared to present oral submissions at 10.00 a.m. on Thursday, 30 March 2023.

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

Done this 10th day of March 2023,  
At The Hague,  
The Netherlands



Judge Iain Bonomy  
Presiding Judge

[Seal of the Mechanism]



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