

ICTR-96-15-I
3rd December 1996
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UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda
CHAMBER 2

OR: ENG

Before: Judge Tafazzal H. Khan, Presiding Judge
Judge Lennart Aspegren
Judge Navanethem Pillay

Registry: Ms. Prisca M. Nyambe
Mr. Jean-Pelé Fomété

Decision of: 29 November 1996

ICTR
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ACTION: *Register*
COPY :

THE PROSECUTOR
versus
Joseph KANYABASHI

Case No.: ICTR-96-15-I

DECISION FOLLOWING THE INITIAL APPEARANCE

The Office of the Prosecutor:

Mr. Yacob Haile-Mariam
Mr. Pierre-Richard Prosper
Ms. Adelaide E. Whest

Counsel for the Accused:

Mr. Evans Monari

J. Khan
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ICTR-96-15-I

THE TRIBUNAL, sitting as Trial Chamber 2 composed of Judge Tafazzal H. Khan, Presiding Judge, Judge Lennart Aspegren and Judge Navanethem Pillay;

CONSIDERING the indictment against Joseph Kanyabashi submitted by the Prosecutor and confirmed by Judge Yakov A. Ostrovsky on 15 July 1996, who issued a warrant of arrest and an order for surrender of the accused on that same date;

TAKING NOTE of the transfer of the accused from Belgium to the Tribunal's Detention Unit on 8 November 1996;

CONSIDERING the initial appearance of the accused this 29 November 1996 before this Chamber;

GIVING SERIOUS CONSIDERATION to the concerns expressed by the accused concerning the difficulties in communicating with his assigned defense counsel through an interpreter;

BEING OF THE OPINION, however, that the Registrar, in assigning Mr. Evans Monari as defence counsel for the accused, has complied properly with the provisions in Article 20 of the Statute of the Tribunal, Rule 45 (C) of the Rules of Procedure and Evidence ("the Rules") and Article 10 of the Directive on Assignment of Defence Counsel ("the Directive");

BEING CONVINCED, therefore, that at this stage of the proceedings, the rights of the accused to counsel have been respected;

GIVEN THAT, during today's initial appearance, the accused declined to plead to the five counts of the indictment claiming he was insufficiently represented by defense counsel, for which reason the Chamber registered a plea of being not-guilty to all counts on his behalf;

REMINDING the accused of the provision in Article 19 (D) of the Directive, which entitles him to request assignment of another counsel for his defense, should the difficulties in communicating with his assigned counsel amount to an exceptional circumstance at any later stage of the proceedings;


PURSUANT TO Rule 62 and the following provisions in the Rules;


THE TRIBUNAL DECIDES

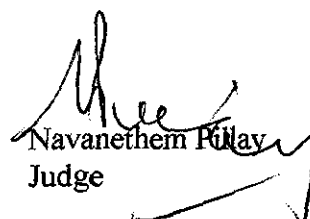
TO FIX the date of the trial on the merits for Tuesday 8 April 1997, at 9:30 hours;

TO MAINTAIN IN DETENTION ON REMAND Joseph Kanyabashi and to enjoin the Commanding Officer of the Tribunal's Detention Unit to continue to detain him until ordered otherwise.

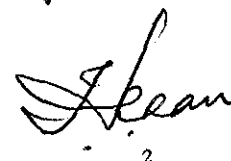
Arusha, 29 November 1996


T. H. Khan
Presiding Judge


Lennart Aspegren
Judge


Navanethem Pillay
Judge




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