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UNITED NATIONS



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INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

TRIAL CHAMBER 2

OR: ENG

Before: Judge William H. Sekule, Presiding Judge
Judge Tafazzal H. Khan
Judge Navanethem Pillay

Registrar: Ms. Prisca Nyambe

Decision of: 29 October 1997

THE PROSECUTOR
versus
JOSEPH KANYABASHI

Case No. ICTR-96-15-T

**DECISION ON THE ACCUSED'S MOTION FOR
WITHDRAWAL OF HIS LEAD COUNSEL**

Office of the Prosecutor:

Mr. Udo Gehring
Ms. Holo Makwaia

Counsel for the Defence

Mr. Michel Marchand
Evans Monari

Legal/96-15-T/witdefdec/eng.

THE TRIBUNAL,

SITTING AS Trial Chamber 2 of the International Criminal Tribunal for Rwanda ("the Tribunal"), composed of Judge William H. Sekule, Presiding, Judge Tafazzal H. Khan and Judge Navanethem Pillay;

HAVING RECEIVED a request from the accused dated 20 August 1997 in which he requested the Chamber to order the withdrawal of his assigned Lead Counsel, Mr. Evans Monari for the reasons enumerated below:-

- (a) that he had not been consulted before the said assignment was made;
- (b) that he could not effectively communicate with the lead Counsel since he could not speak the language of his choice, namely the French language;
- (c) that the Lead Counsel had made him understand that pursuant to Article 19(D) of the Directive on Assignment of Defence Counsel, he could, at any stage of the proceedings, request for another counsel if difficulties of communication persisted;
- (d) that he had lost confidence in his Counsel for alleged default in communicating with him for lack of conveyance of articles from his family to him and for inadequate preparation of his case.

WHEREAS before the accused's motion was heard on the merits, lead Counsel, Mr Evans Monari, requested leave to withdraw as the assigned Counsel for the accused and gave as his reasons :-

- (a) that he refuted the allegations made by the accused about him as regards the preparation of his case;
- (b) that personal allegations about him were not correct but that he was ready to deal with them in an appropriate manner after the matter was settled;
- (c) that he has decided to withdraw as Counsel for the accused prior to the hearing of the accused's motion for change of counsel because he wished to allow the accused the opportunity to be represented by a counsel of his own choice;
- (d) that if the motion was to be heard fully he would be required to expose the entire defence strategy he had prepared for the accused's case as proof of his competence which would be detrimental to his client;

- (e) that in view of the breakdown in relations between him and the accused, he was withdrawing as the accused's Counsel but that he would be available in the week following his withdrawal to explain and hand over necessary documents to the accused's present Counsel.

FOR ALL THE ABOVE REASONS THE TRIAL CHAMBER

- (a) Grants the oral request of the lead counsel to withdraw from the case.
- (b) Instructs the Registrar to assign a new lead Counsel in the case.

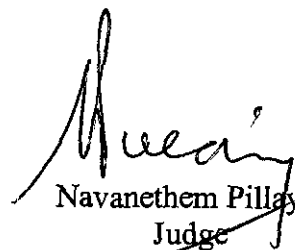
Arusha, 29 October 1997



William H. Sekule
Presiding Judge



Tafazzal H. Khan
Judge



Navanethem Pillay
Judge

(Seal of the Tribunal)

