

ICTR-97-19-A
19-1-2000
(706-704)

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UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 1 212 963 7365

*Office of the President
Bureau du Président*

Before: Judge Navanethem Pillay, President

Original: English

Registry: Mr. Agwu U. Okali, Registrar

Decision of: 19 January 2000

**The Prosecutor
Versus
Jean Bosco Barayagwiza
ICTR-97-19-I**

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**DECISION ON REVIEW IN TERMS OF ARTICLE 19 (E) OF THE DIRECTIVE ON
ASSIGNMENT OF DEFENCE COUNSEL**

Mr. Jean Bosco Barayagwiza applied for the withdrawal of his assigned Defence Counsel Mr. Nyaberi and the Registrar declined the request on 5 January 2000. The decision of the Registrar now comes before me for review under the aforesaid article.

The Directive on Assignment of Defence Counsel makes provision for the withdrawal of assigned counsel upon a showing of exceptional circumstances.

Mr. Barayagwiza avers that his counsel lacks competence, honesty, loyalty, diligence and interest and that these factors constitute exceptional circumstances warranting the withdrawal of Mr. Nyaberi.

I note that the only matter pending in Mr. Barayagwiza's case is the Review proceeding before the Appeal Chamber scheduled for hearing in Arusha on 15 February 2000.

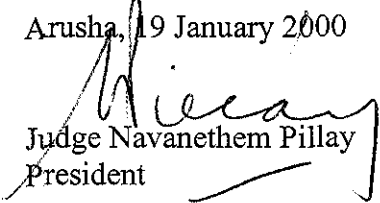
Mr. Barayagwiza's counsel has filed in timely manner, a response on his behalf in respect of this review proceedings. It is a substantial document evidencing research and consultation, addresses factual, procedural and legal arguments and appears to have been prepared in a competent and professional manner. I make no comment on the merits of the submissions in this document. No doubt, Mr. Barayagwiza has opportunity to instruct his counsel over these submissions.

The Review proceeding before the Appeal Chamber involves complex legal issues. The hearing date is also imminent and I am mindful that a change of counsel at this late stage will unduly delay the proceeding.

I consider that it is in the best interest of Mr. Barayagwiza that his counsel who represented him throughout the proceedings so far, including the Appeal which gave rise to the review, continue to represent him at the Review hearing.

I conclude that no exceptional circumstance has been made out to warrant a change of counsel, for purposes of the Review proceeding. Accordingly, the decision of the Registrar dated 5 January 2000, is confirmed.

Arusha, 19 January 2000


Judge Navanethem Pillay
President

Seal of the Tribunal

