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

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281 *[Signature]*

ICTR-96-3-A
7th July 2000
(281 - 279)

Before: Judge Navanethem Pillay
President

Registrar: Agwu U. Okali

Decision of: 7 July 2000

ICTR
COURT REGISTRY
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**GEORGES A. RUTAGANDA
v
THE PROSECUTOR**

Case No: ICTR-96-3-A

**PRESIDENT'S REVIEW OF THE DECISION OF THE REGISTRAR IN TERMS OF
ARTICLE 12 OF THE DIRECTIVE ON THE
ASSIGNMENT OF DEFENCE COUNSEL**

Counsel for Georges Rutaganda:

Ms. Tiphaine Dickson

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

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COURT REGISTRY TO THE DEFENCE COUNSEL

SIGNED BY: *Dr. MINDWA K. M. Antoine*

DATE: 20.07.2000

[Signature]

On 16 April 2000, Counsel for Mr. Georges Rutaganda, Ms Tiphaine Dickson, filed a Request for Review of the Registrar's decision denying the assignment of David P. Jacobs as Co-Counsel, in the Office of the President.

It appears from facts set out in the Request that on February 16 2000, Ms. Dickson, in accordance with Mr. Rutaganda's instructions, requested the appointment of Mr. David P. Jacobs, as Co-Counsel. Mr. Joseph meets the qualifications stipulated by the Tribunal and is enrolled in the list of Counsel held by the Registrar.

Ms Dickson was informed by Mr. Didier Preira of the Registrar's Office that her request will not be processed unless she complies with the procedure of selecting three names from the list. Counsel appealed to the Registrar, who on 27 March 2000, declined to appoint Mr. David P. Jacobs as Co-Counsel.

Counsel submits that the additional procedural requirement relating to the submission of three names was not made known to her; is applied inconsistently in practice; and has, in any event, no legal authority. Counsel further argues that the denial of Co-Counsel of Mr. Rutaganda's choice, constitutes a violation of his rights, is unjust, and is causing prejudice to Mr. Rutaganda in the preparation of his appeal.

Upon receipt of the request for Review, the President addressed a letter to the Registrar on 18 April 2000 requesting a copy of his decision and reasons for refusal of the appointment of the named Co-Counsel. The Registrar has made no response. Counsel addressed a reminder to the President on 4 July 2000, requesting expeditious resolution of this issue in light of time schedules imposed by the Appeal Chamber.

Deliberations:

In the interest of justice, I consider it advisable to proceed with the Review without further delay. The reasons for the Registrar's denial of Co-Counsel is set out in Counsel's brief and their accuracy remains unchallenged. The applicable provisions of the Directive on Assignment of Counsel are:

Article 10 bis

Assignment of Counsel in the Interests of Justice

If a suspect or accused,:

- i) either requests an assignment of Counsel but does not comply with the requirement set out above within a reasonable time; or
- ii)

the Registrar may nevertheless assign him Counsel in the interests of justice....



Article 12

Remedy Against a Decision not to Assign Counsel

- A) The suspect whose request for assignment of Counsel has been denied may seek the President's review of the decision of the Registrar. The President may either confirm the Registrar's decision or decide that a Counsel should be assigned.

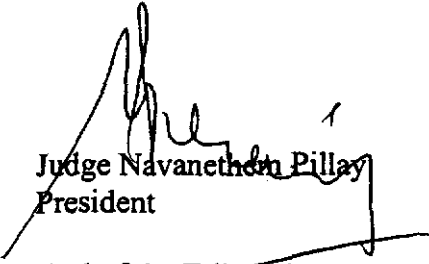
Article 15

- B) Whenever appropriate and at the request of the assigned Counsel, the Registrar may, pursuant to Article 13, above, appoint a Co-Counsel to assist the assigned Counsel.....

I consider that this is an appropriate case, bearing in mind the voluminous trial record and complex legal issues, for the appointment of Co-Counsel. In the interests of justice, Mr. Rutaganda should be assigned the Co-Counsel he has selected from the list of Counsel.

I therefore direct the Registrar to appoint Mr. David P. Jacobs as Co-Counsel for Georges Rutaganda with immediate effect.

Dated this 7 day of July 2000


Judge Navanethem Pillay
President

Seal of the Tribunal

