Case no. : ICTR-97-21-T

1078-92

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 27 2504207-11 2504367-72 or 1 212 963 2850 Fax: 1 212 963 2848/49

> Office of the President Bureau du Président

> > Original: English

Before: Judge Navanethem Pillay, President

4 June 2001

Registrar: Adama Dieng

Order of:

UNITED NATIONS NATIONS UNIES

JUDIGIAL PECORDEATTCHIVES

THE PROSECUTOR

Versus

PAULINE NYIRAMASUHUKO

And

#### **ARSENE SHALOM NTAHOBALI**

ICTR-97-21-T

#### THE PRESIDENT'S DECISION ON REVIEW, IN ACCORDANCE WITH ARTICLE 19 (E) OF THE DIRECTIVE ON ASSIGNMENT OF DEFENCE COUNSEL

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I, Judge Navanethem Pillay, President of the International Criminal Tribunal for Rwanda (the "Tribunal");

**HAVING RECEIVED** a request from Arsene Shalom Ntahobali (the "Accused"), for a review of the Registrar's decision of 2 April 2001, which denied the request for the withdrawal of the Accused's Lead Counsel, Mr. René Saint Leger;

**HAVING CONSIDERED** the Accused's written submissions of 6, 24, 28 April, and 17 May 2001;

**HAVING CONSIDERED** that, in his written submission of 24 April 2001, the Accused also requested the removal of the assigned Co-Counsel;

**HAVING CONSIDERED** Article 19 (E) of the Tribunal's Directive on the Assignment of Defence Counsel (the "Directive"), which states that:

"Where a request for withdrawal, made pursuant to paragraph (A), has been denied, the person making the request may seek the President's review of the decision of the Registrar."

**HAVING CONSIDERED** that, pursuant to Article 19 (A) of the Directive, the Registrar may withdraw assigned Counsel at the request of the Accused, provided *"exceptional circumstances"* exist that warrant such withdrawal;

#### FINDS that:

- (i) I am unable to make a factual determination of the allegations made by the Accused in respect of the motions filed by his Counsel and heard by Trial Chamber II. This is a matter best left for consideration by the Trial Chamber rather than the review process;
- (ii) The six accused in the joint "Butare" trial have waited a long time for the commencement of their trial, which is scheduled for 11 June 2001. I am concerned that a change in Counsel at this late stage will delay the trial. The Accused argues that the removal of his assigned Counsel will not delay the trial, as he is willing to defend himself until the assignment of another Counsel. This proposal should be raised before the Trial Chamber;
- (iii) In light of the above, the Registrar's decision of 2 April 2001 is confirmed.

Arusha, 4 June 2001,

Navanethem President

(Seal of the Tribunal)

# TRANSMISSION SHEET FOR OFFICIAL FILING OF DOCUMENTS WITH CMS (Art. 27 of the Directive for the Registry, Court Management Section, International Criminal Tribunal for Rwanda)

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## THE PRESIDENT'S DECISION ON REVIEW, IN ACCORDANCE WITH ARTICLE 19 (E) OF THE DIRECTIVE ON ASSIGNMENT OF DEFENCE COUNSEL

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#### THE PROSECUTOR

### PAULINE NYIRAMASUHUKO

And

#### ARSENE SHALOM NTAHOBALI

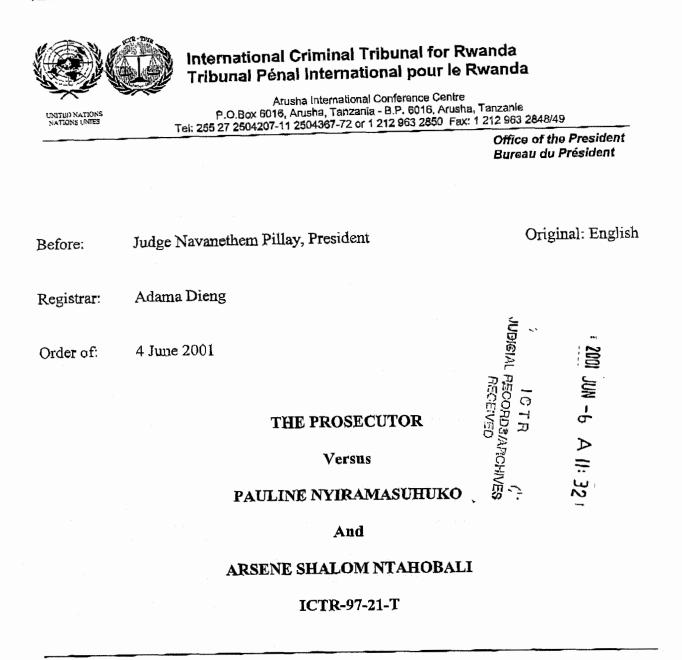
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# International Criminal Tribunal for Rwanda Tribunal Pénal International pour le Rwanda

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THE PROSECUTOR

Versus

JUDIGIAL RECORDEVARCHIVES PAULINE NYIRAMASUHUKO

And

## ARSENE SHALOM NTAHOBALI

ICTR-97-21-T



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

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PREUVE DE NOTIFICATION AUX CHAMBRES DE PREMIERE INSTANCE - ARUSHA

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COUNSEL

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ARTICLE 19 (E) OF THE DIRECTIVE ON ASSIGNMENT OF DEFENCE