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18/6/2001
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International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

UNITED NATIONS
NATIONS UNIES

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

Before: Judge Navanethem Pillay, President

Original: English

Registrar: Adama Dieng

Order of: 13 June 2001

THE PROSECUTOR

Versus

JOSEPH NZIRORERA

ICTR-98-44-T

JUDICIAL RECORDS ARCHIVES
ICTR
2001 JUN 18 A 9: 29
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THE PRESIDENT'S DECISION ON REVIEW, IN ACCORDANCE WITH ARTICLE
19 (E) OF THE DIRECTIVE ON ASSIGNMENT OF DEFENCE COUNSEL

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS
NAME / NOM: KOFFI KUMELIO A. AFANDE
SIGNATURE: [Signature] DATE: 18/6/2001

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

HAVING RECEIVED a request from Joseph Nzirorera (the "Accused") dated 20 May 2001, for a review of the Registrar's decision of 14 May 2001, which denied the Accused's request for the withdrawal of his assigned Lead Counsel, Mr. Andrew McCartan;

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."

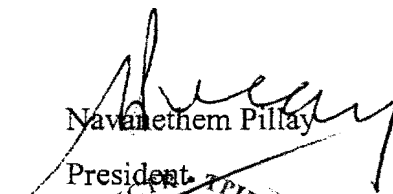
HAVING CONSIDERED that, pursuant to Article 19 (A) of the Directive, the Registrar may withdraw assigned Counsel at the request of the Accused, provided there are "exceptional circumstances" that warrant such withdrawal;

HAVING CONSIDERED the Registrar's decision, which held *inter alia* that the Accused's allegations in respect of his Lead Counsel have no factual or legal basis and does not constitute exceptional circumstances, as required by Article 19 (A) of the Directive;

FINDS that:

- (i) a factual determination on the allegations made by the Accused against his assigned Lead Counsel, which relate to the integrity, competence and diligence of the said Counsel and his dismissal of the investigator, cannot be made under the purview of this review;
- (ii) the Trial Chamber before which the Accused appears, will be in a better position to determine these allegations, in particular the standard of representation made by Lead Counsel on behalf of the Accused;
- (iii) In light of the above, the Registrar's decision of 14 May 2001 is confirmed.

Arusha, 13 June 2001,


Navanethem Pillay
President

