

ICTR-01-63-1
01-10-2004
(645-644)

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Ivan



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 1 October 2004

THE PROSECUTOR

v.

Siméon NCHAMIHIGO

Case No. ICTR-2001-63-I

JUDICIAL RECORDS/ARCHIVES
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ICTR
2004 OCT 1 P 1:25
[Signature]

DECISION ON THE ACCUSED'S RENEWED REQUEST FOR REPLACEMENT OF
HIS COUNSEL

Office of the Prosecutor:

Richard Karegyesa
Andra Mobberley

Counsel for the Defence

David Gachuki
D. Turcotte

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("the Tribunal");

SITTING as Trial Chamber I, composed of Judge Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED OF the "Requête de l'accusé Siméon Nchamihigo en vue de donner au Greffier instruction de remplacer Maître David W. Gachuki, Conseil commis d'office", filed on 7 October 2003; the "Requête aux fins qu'une décision soit rendue sur la requête de l'accusé Siméon Nchamihigo en vue de donner au Greffier instruction de remplacer Maître David W. Gachuki, Conseil commis d'office" filed on 4 February 2004; and "Renouvellement de la requête aux fins qu'une décision soit rendue sur la requête de l'accusé Siméon Nchamihigo en vue de donner au Greffier instruction de remplacer Maître David W. Gachuki, Conseil commis d'office", filed on 1 April 2004;

CONSIDERING the Registrar's Representation pursuant to Rule 33 (B) of the Rules of Procedure and Evidence, filed on 29 September 2004, in which the Registrar states the following:

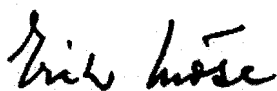
3. Without revisiting the arguments in the Motion, the Registry can readily admit that there is a serious breakdown in communication between the Accused and assigned Counsel. The Accused has levelled serious allegations against Counsel and the latter, in responding to those allegations has used a language which illustrates that he has lost all respect towards the Accused. The Accused paid no heed to the Registrar's decision of 14 April 2003 requesting him, as an indigent accused, to co-operate with counsel. It is therefore difficult, nay impossible to contemplate both the Accused and assigned Counsel collaborating to mount an effective defence.

5. The Registry wishes however, to place on record that the Accused Nchamihigo bears an important responsibility in the breakdown in communication as already addressed in the decision of 14 April 2003 and the Registry's submissions before the President of 30 June 2003 (appended). The Registrar requests therefore the Chamber to note its resolve to take whatever measures appropriate in the future so as to avoid that the Accused continue abusing the Legal Aid by creating unwarranted difficulties.

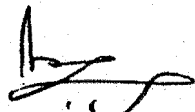
FURTHER CONSIDERING that the Registry has indicated that it is prepared to withdraw Counsel and invites the Chamber to declare the motion moot;

HEREBY DECLARES the motion moot.

Arusha, 1 October 2004



Erik Møse
Presiding Judge



Jai Ram Reddy
Judge



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

