

ICTR-00-56-T  
03 - 11 - 2004  
(18782-18780)

18782  
Mwanga



UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

**Before:** Judge Asoka De Silva, Presiding  
Judge Taghrid Hikmet  
Judge Seon Ki Park

**Registrar:** Mr. Adama Dieng

**Date:** 3 November 2004

THE PROSECUTOR

v.

Augustin NDINDILYIMANA  
Augustin BIZIMUNGU  
François-Xavier NZUWONEMEYE  
Innocent SAGAHUTU

Case No. ICTR-2000-56-T

ICTR  
JUDICIAL RECORDS/ARCHIVES  
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**DECISION ON DEFENCE MOTION TO LIFT THE CHAMBER'S 19  
SEPTEMBER 2004 ORDER ASSIGNING DEFENCE COUNSEL TO  
ACCUSED AUGUSTIN BIZIMUNGU**

**The Office of the Prosecutor:**

Ciré Aly Bâ  
Alphonse Van  
Moussa Sefon  
Ifeoma Ojemeni  
Segun Jegede  
Abubacarr Tambadou  
Faria Rekkas (Case Manager)

**Counsel for the Accused:**

Gilles Saint-Laurent for *Augustin Bizimungu*  
Christopher Black for *Augustin Ndindiliyimana*  
André Ferran for *François-Xavier Nzuwonemeye*  
Fabien Segatwa and Didier Patry  
for *Innocent Sagahutu*

*pari m*

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (The "Tribunal"),**

**SITTING** as Trial Chamber II composed of Judges Asoka De Silva, Presiding, Taghrid Hikmet and Seon Ki Park, (the "Chamber");

**BEING SEIZED** of « *Requête à fin de main levée de la commission d'office du 21 septembre 2004* » dated 27 September 2004;<sup>1</sup>

**CONSIDERING** the Statute of the Tribunal (the "Statute") and the Rules of Procedure and Evidence (the "Rules");

**NOW DECIDES** the Motion on the basis of the written briefs filed by the Parties pursuant to Rule 73(A) of the Rules.

**SUBMISSION OF THE PARTY**

1. On 21 September 2004, Augustin Bizimungu asked that his Defence Counsel, Michel Croisier, no longer represent him in his absence.
2. On 21 September 2004, the Chamber instructed the Registrar under Rule 45 *quarter* to assign Mr. Croisier to represent the interests of the Accused Bizimungu.
3. On 27 September 2004, Mr. Croisier informed the Chamber of Accused Bizimungu's decision to take part in the proceedings again and to voluntarily retain Mr. Croisier to represent him. Therefore, Mr. Croisier asked the Chamber to lift the Order of assignment pursuant to Rule 45 *quarter*.

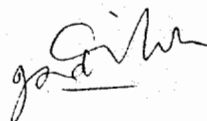
**AFTER HAVING DELIBERATED**

4. Considering that Mr. Croisier has formally withdrawn his representation in this case due to health reasons and that another Lead Counsel has been appointed by the Registrar to replace him, the Chamber considers Mr Croisier's Motion of 27 September 2004 to have been overtaken by events and therefore moot.
5. Notwithstanding that the motion has become moot due to the withdrawal of counsel, the Chamber finds this motion frivolous pursuant to Rule 73(f) and instructs the Registrar not to pay any fees associated with the filing of this Motion.

**FOR THE FOREGOING REASONS, THE TRIBUNAL:**

**Declares** the Motion Moot.

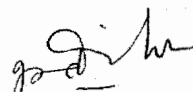
<sup>1</sup> Unofficial Translation: "Decision on the Defence Motion to Lift the Chamber's 21 September 2004 Order on Assignment of Counsel to Augustin Bizimungu."



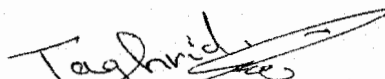
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Prosecutor v. Ndindiliyimana, ICTR-2000-56-T

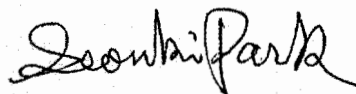
Arusha, 3 November 2004



Asoka De Silva  
Presiding Judge



Taghrid Hikmet  
Judge



Seon Ki Park  
Judge

