



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

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ICTR-99-50-T
15-02-2008

(25414-25412)

The Registrar
Le Greffier

DECISION ON ASSIGNMENT OF
MS. CYNTHIA CUNE
AS CO-COUNSEL FOR THE ACCUSED
PROSPER MUGIRANEZA
THE PROSECUTOR V. CASIMIR BIZIMUNGU, ET AL.
ICTR 1999-50-T

JUDICIAL RECORDS/ARCHIVES
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THE REGISTRAR of the International Criminal Tribunal for Rwanda ("the Tribunal");

CONSIDERING Articles 16 & 20 of the Statute of the Tribunal ("the Statute") and Rule 45 of the Rules of Procedure and Evidence of the Tribunal ("the Rules");

CONSIDERING Articles 10bis, 13, 14, 15, 17 19 and 20 of the Registrar's Directive on the Assignment of Defence Counsel ("the Directive");

CONSIDERING that Mr. Tom Moran, Lead Counsel for the Accused Prosper Mugiraneza in the matter of *The Prosecutor v. Casimir Bizimungu, et al.*, ICTR 1999-50-T, on 3 December 2007, filed a request for the assignment of Co-Counsel, listing Ms. Cynthia Cline as his first choice of three submitted candidates;

CONSIDERING ALSO that on 4 January 2008, the Registrar denied the request to assign Ms. Cline on the basis that she did not meet the customary requirements for appointment (bilingualism), and that the other candidates were not available, and therefore requested that Mr. Moran submit a list of three eligible and available candidates.

NOTING that upon consultation with the President who expressed a concern with case flow and potential for delay of trial proceedings, the Registrar agreed to reconsider this decision;

CONSIDERING that the Guidelines for the Remuneration of Counsel Appearing at the ICTR, promulgated by the Registrar on 1 September 1998 ("the Guidelines"), emphasize that the "preference for a Co-Counsel should reflect the need to form a team with ... knowledge of the two working languages of the Tribunal";

CONSIDERING ALSO that the Registrar has strongly adhered to the criteria of bilingualism in the assignment of co-counsel except under exceptional circumstances;

CONSIDERING STRONGLY that the case for the defence of the Accused is due to start in late February or early March 2008;

CONSIDERING FURTHER the common desire of all that trial proceedings not be interrupted or delayed unnecessarily, particularly in light of ICTR's mandated completion strategy;

NOTING that Ms. Cline has served as Legal Assistant in the *Mugiraneza* case since 2003, and is otherwise eligible and competent to be assigned as Co-Counsel in the case, and that the Accused agrees to have Ms. Cline appointed as Co-Counsel in his case;

NOTING FURTHER that it is in the best interests of the Accused and the conduct of the proceedings that Co-Counsel is assigned in this matter;

FINDING that the exigencies of the preparation of the defence case require urgent assignment of Co-Counsel;

FINDING FURTHER that the importance of avoiding delay in the conduct of the *Mugiraneza* defence is an exceptional circumstance justifying a departure from the application of the bilingualism requirement;

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FOR THE FOREGOING REASONS:

ASSIGNS Ms. Cynthia Cline as Co-Counsel for *Prosper Mugiraneza*, pursuant to Article 15(C) of the Directive;

NOTIFIES the Accused *Prosper Mugiraneza* of the present Decision.

Done at Arusha, this 15th day of February 2008.



Adama Dieng
Registrar