

ICTR-99-50-T
06-02-2009
(31560-31559)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED NATIONS
NATIONS UNIES

OR:
ENG

TRIAL CHAMBER II

Before Judges: Khalida Rachid Khan, presiding
Emile Francis Short
Lee Gacuiga Muthoga

Registrar: Mr. Adama Dieng

Date: 6 February 2009

THE PROSECUTOR
v.
CASIMIR BIZIMUNGU
JUSTIN MUGENZI
JÉRÔME-CLÉMENT BICAMUMPAKA
PROSPER MUGIRANEZA

Case No. ICTR-99-50-T

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**ORDER FOR THE REGISTRAR'S SUBMISSION ON INITIAL ASSIGNMENT
OF COUNSEL TO JÉRÔME-CLÉMENT BICAMUMPAKA**

Rules 33 (B) and 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Mr. Paul Ng'arua
Mr. Ibukunolu Babajide
Mr. Justus Bwonwonga
Mr. Elvis Bazawule

Mr. Shyamlal Rajapaksa
Mr. Olivier De Schutter
Ms. Ndeye Marie Ka

Counsel for the Defence:

Ms. Michelyne C. St. Laurent and Ms. Andrea Valdivia for **Casimir Bizimungu**
Mr. Ben Gumpert and Mr. Jonathan Kirk for **Justin Mugenzi**
Mr. Michel Croteau and Mr. Philippe Larochelle for **Jérôme-Clément Bicamumpaka**
Mr. Tom Moran and Ms. Cynthia Cline for **Prosper Mugiraneza**


1. On 22 November 2008, the Defence for Jérôme-Clément Bicamumpaka ("Defence") filed its Closing Brief. Attached to that Brief was a Motion requesting the Chamber to immediately and permanently stay these proceedings, prior to rendering a final judgement in this case. The Motion is based on a number of allegations that the Accused's right to fair trial has been violated.¹ One of the Defence submissions is that the Registry denied Bicamumpaka the services of counsel for nearly a year, as detailed in its Closing Brief. Specifically, the Defence submits that counsel was only appointed on 27 February 2000 despite the Accused's indication to the Registry on 18 April 1999 that he wanted to be represented by Me Francine Veilleux.² The Prosecution replies that duty counsel, Raphael Constant, was appointed to him by the Registrar on 14 August 1999.³


2. In accordance with Rule 33 of the Rules of Procedure and Evidence, the Chamber is of the view that the Registrar may assist in this matter. In order to decide the merits of this particular submission the Chamber needs to be informed as to the exact circumstances and timing of the Registrar's appointment of counsel (including duty counsel) for Mr. Bicamumpaka. Accordingly, the Chamber directs the Registrar to provide written submissions to the Chamber on this matter. To assist the Registrar in his investigation, the Chamber refers him to paragraph 1066 of the Motion, paragraphs 2 to 14 inclusive of the Defence Closing Brief and any other paragraphs of the Brief that the Registrar deems significant, as well as paragraph 10 of the Prosecution's Response.


FOR THESE REASONS, the Chamber

HEREBY DIRECTS the Registrar pursuant to Rule 33(B) to make a written submission to the Chamber detailing the exact circumstances and timing of the Registrar's appointment of counsel (including duty counsel) for Mr. Bicamumpaka as described in paragraph 3 above within 10 days of this Order.

Arusha, 6 February 2009


Khalida Rachid Khan
Presiding Judge


With the consent
and on behalf of
Lee Gacungu Muthoga
Judge


With the consent
and on behalf of
Emile Francis Short
Judge



¹ *Prosecutor v. Casimir Bizimungu et al.*, Case No. ICTR-50-T, "(Confidential) Jérôme Bicamumpaka's Final Brief & Motion For Stay Of Proceedings", dated 21 November 2008 and filed by the Defence for Bicamumpaka on 22 November 2008 (the "Motion").

² Motion, para. 1066 and *Bizimungu et al.*, "(Confidential) Jérôme Bicamumpaka's Final Brief & Motion For Stay Of Proceedings", dated 21 November 2008 and filed by the Defence for Bicamumpaka on 22 November 2008 paras. 2-14.

³ *Bizimungu et al.*, "Prosecutor's Response to J.C. Bicamumpaka's Confidential Motion for Stay of Proceedings", filed by the Prosecutor on 26 November 2008 (the "Prosecution Response"), para. 10.