



UNITED NATIONS
NATIONS UNIES

ICTR-98-44B-R71bis
(04-05-2011
(260-259))

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

260
A

OR: ENG

SPECIAL DEPOSITION PROCEEDINGS

Before: Judge Vagn Joensen

Registrar: Mr. Adama Dieng

Date: 4 May 2011

THE PROSECUTOR

v.

Félicien KABUGA

Case No. ICTR-98-44B-R71bis

RECEIVED
04-05-2011
17:02:38
F. Kabuga

ORDER FOR SUBMISSIONS

Office of the Prosecutor:

Mr. Hassan B. Jallow
Mr. Richard Karegyesa
Mr. Bill Egbe
Mr. Peter Tafah
Mr. Disengi Mugeyo
Mr. Sharifah Adong

For the Accused:

Mr. Bahame Tom Nyanduga (Duty Counsel)

For the Family of the Accused:

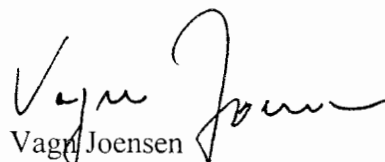
Mr. Emmanuel Altit

1. On 2 May 2011, Defence Counsel Mr. Emmanuel Altit sent an e-mail to the President of the Tribunal stating that the family of the fugitive Accused Félicien Kabuga has mandated him to represent them and the Accused at the forthcoming special deposition proceedings and requesting to be formally appointed by the Tribunal.
2. The procedure for the taking of special depositions pursuant to Rule 71bis is not tantamount to a trial and, as the Accused was not represented by counsel before the Tribunal, the Registrar assigned a Duty Counsel to represent the interests of the Accused pursuant to Rule 71bis (C).¹ Furthermore, neither the Statute of the Tribunal nor the Rules of Procedure and Evidence provide for the family of an accused person to be represented by counsel before the Tribunal, to select the Defence Counsel for a fugitive accused or to be consulted with respect to such selection. Therefore, it is not clear whether a counsel selected by the family of a fugitive accused, even if engaged and remunerated by the family, would have *locus standi* in these proceedings.

FOR THESE REASONS, I

INVITE the Prosecution, the Duty Counsel and Mr. Altit to file, no later than **11 May 2011**, written submissions, if any, addressing the issue of whether the lawyer selected by the family of the Accused might have *locus standi* to appear in the special deposition proceedings in this case.

Arusha, 4 May 2011, done in English.


Vagn Joensen
Judge



¹ See *Summons to a Duty Counsel for purposes of representing the interests of Mr. Félicien Kabuga before the International Criminal Tribunal for Rwanda*, Ref. ICTR-JUD-11-5-2-11-189-LW, 18 February 2011.