

INTERNATIONAL RESIDUAL
MECHANISM FOR CRIMINAL TRIBUNALSMÉCANISME INTERNATIONAL
APPELÉ À EXERCER LES FONCTIONS
RÉSIDUELLES DES TRIBUNAUX
PÉNAUX

MICT-18-116

Case No. MICT-18-116
*Prosecutor v. Turinabo et al.*11-09-2018
(77 - 76)

DECISION

THE REGISTRAR,

NOTING the Statute of the International Residual Mechanism for Criminal Tribunals (“Statute” and “Mechanism”, respectively) as adopted by the Security Council under Resolution 1966 (2010), and in particular Article 19 thereof;

NOTING the Rules of Procedure and Evidence as adopted by the Mechanism on 8 June 2012 (“Rules”) and amended on 9 April 2018, and in particular Rules 43, 64(D) and 90;

NOTING the Directive on the Assignment of Defence Counsel, as adopted by the Mechanism on 14 November 2012 (“Directive”) and in particular Articles 14(B) and 16(H) thereof;

NOTING the Code of Professional Conduct for Defence Counsel appearing before the Mechanism (“Code of Conduct”);

CONSIDERING that the Mechanism is mandated to continue the “jurisdiction, rights and obligations and essential functions” of the International Criminal Tribunal for Rwanda (“ICTR”) and the International Criminal Tribunal for the former Yugoslavia (“ICTY”);¹

CONSIDERING that on 24 August 2018, a Single Judge of the Mechanism confirmed the indictment against Maximilien Turinabo, Anselme Nzabonimpa, Jean De Dieu Ndagijimana, Marie Rose Fatuma, and Dick Prudence Munyeshuli (“accused”) charged with contempt of court under Rule 90 of the Rules;

NOTING that the public redacted version of the Indictment was made available on 5 September 2018;²

CONSIDERING that the accused were transferred to Arusha on 11 September 2018 and that the initial appearance is yet to be scheduled;

NOTING that pursuant to Rule 90(E) the Rules apply *mutatis mutandis* to proceedings concerning contempt of court;

¹ Security Council Resolution 1966 (2010), para.4.

² *Prosecutor v. Turinabo et al.*, Case No. MICT-18-116, “Notice of Filing Public Redacted Version of the Indictment”, public, 5 September 2018.

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11 September 2018

NOTING that any person charged with contempt is entitled to assigned counsel in accordance with Rule 43 of the Rules if that person satisfies the criteria for determination of indigence;

CONSIDERING that the Accused's rights under the Statute, Rules and Directive must be protected until they retain permanent counsel or have counsel assigned to them pursuant to Rule 43 of the Rules and that Rule 64(D) of the Rules enables the Registrar to assign duty counsel for this purpose;

CONSIDERING that Mr. Gatera Gashabana is on the list of "duty counsel" envisaged in Rule 43(C) of the Rules, and has agreed to represent Ms. Marie Rose Fatuma as duty counsel;

HEREBY DECIDES to assign Mr. Gashabana pursuant to Article 16(H) of the Directive, as Duty Counsel to represent Ms. Marie Rose Fatuma at her initial appearance, and in such other matters as may be necessary until a permanent counsel is assigned, effective as of the date of this decision.


Olufemi Elias
Registrar



Dated this 11th day of September 2018.
At The Hague,
The Netherlands.



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Case Name/ Affaire :	TURINABO ET AL	Case Number/ Affaire n° :	MICT-18-116
Date Created/ Daté du :	11-09-2018	Date transmitted/ Transmis le :	11-09-2018
		No. of Pages/ Nombre de pages :	2
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