

MICT-12-29-R

10-07-2017

(1628 - 1627)

Case No. MICT-12-29-R

*Prosecutor v. Augustin Ngirabatware*Received by the Registry  
Mechanism for International Criminal Tribunals  
10/07/2017 16:52**DECISION  
PUBLIC REDACTED VERSION****THE REGISTRAR,**

**NOTING** the Statute of the Mechanism for International 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 and further amended on 3 October 2016 (“Rules”), and in particular Rules 42 and 43 thereof;

**NOTING** the Directive on the Assignment of the Defence Counsel as adopted by the Mechanism on 14 November 2012 (“Directive”) and in particular Articles 5, 6, 11 and 14 thereof;

**NOTING** the Code of Professional Conduct for Defence Counsel appearing before the Mechanism;

**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”);

**CONSIDERING** the Transitional Arrangements contained in Annex 2 of the Statute and in particular Article 3(2) thereof;

**NOTING** that Mr. Peter Robinson commenced representing Mr. Augustin Ngirabatware, on a *pro bono* basis, on 17 August 2015;

**FURTHER NOTING** [REDACTED];

**CONSIDERING** that in its public redacted version of the “Decision on Ngirabatware’s Motion for Review” of 19 June 2017 (“Review Decision”), the Appeals Chamber granted Mr. Ngirabatware’s request for review and noted that he is entitled to assigned counsel at the expense of the Mechanism for the purpose of assisting him in relation to the review proceedings;

**CONSIDERING** that on 23 June 2017, following the Review Decision, Mr. Ngirabatware informed the Registry that he wishes to continue to be represented by Mr. Robinson in connection with the review proceedings;

**CONSIDERING** that Mr. Robinson is admitted to the Mechanism’s list of counsel eligible for assignment to indigent suspects and accused envisaged in Rule 43 of the Rules;

**NOTING** that Mr. Robinson continues to be assigned as lead counsel on appeal for Mr. Radovan Karadžić in the case *The Prosecutor v. Radovan Karadžić* (Case No. MICT-13-55);



MICT - MPTI

**CONSIDERING** that Article 16(G) of the Directive states that no counsel shall be assigned to more than one suspect or accused at a time, unless: “(i) each suspect or accused has received independent legal advice from the Registrar that both have consented in writing; and (ii) the Registrar is satisfied that there is no potential or actual conflict of interest or a scheduling conflict, and that the assignment would not otherwise prejudice the defence of either suspect or accused, or the integrity of proceedings”;

**NOTING** that [REDACTED], the Registrar was satisfied that, under the conditions at the time of the Decision, Mr. Robinson’s dual representation would not lead to a potential or actual conflict of interest, or a scheduling conflict, and that the assignment would not otherwise prejudice the defence of either Mr. Ngirabatware or Mr. Karadžić, or the integrity of proceedings;<sup>1</sup>

**NOTING** that following Mr. Ngirabatware’s request for the continued assignment of Mr. Robinson, the Registry sought Mr. Robinson’s views on whether there could now be a potential scheduling conflict as a result of the continued dual representation, and that the Registry received his comments on 27 June 2017;

**CONSIDERING** that on 30 June 2017 and 3 July 2017, after having been advised by the Registry in accordance with Article 16(G) of the Directive, , Mr. Ngirabatware and Mr. Karadžić, respectively provided their written consent to Mr. Robinson’s continued assignment as counsel to Mr. Ngirabatware;

**CONSIDERING** that the Registry is satisfied that, under present conditions, Mr. Robinson’s continued assignment to Mr. Ngirabatware would not lead to a potential or actual conflict of interest, or a scheduling conflict, and that the continued assignment would not otherwise prejudice the defence of either Mr. Ngirabatware or Mr. Karadžić, or the integrity of proceedings;

**CONSIDERING** that on 1 February 2013 the Registrar recognised the indigency determination made by the ICTR when assigning counsel to Mr. Ngirabatware on 1 July 2009,<sup>2</sup> and, that at present, there is no available information that would indicate that he has since acquired funds that would enable him to remunerate his Defence team;

**HEREBY DECIDES** to continue the assignment of Mr. Peter Robinson as counsel to represent Mr. Augusting Ngirabatware before the Mechanism in review proceedings, effective as of the date of this Decision, pursuant to Article 11(A)(i) of the Directive.

Olufemi Elias  
Registrar

Dated this 10<sup>th</sup> day of July 2017.  
At The Hague,  
The Netherlands.



<sup>1</sup> [REDACTED].

<sup>2</sup> *The Prosecutor v. Augustin Ngirabatware*, Case No. MICT-12-29-A, Decision, public, 1 February 2013, p. 1.



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE  
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/  
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE  
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

**I - FILING INFORMATION / INFORMATIONS GÉNÉRALES**

<b>To/ À :</b>	<input type="checkbox"/> MICT Registry/ <i>Greffe du MTPI</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
<b>From/ De :</b>	<input type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
			<input checked="" type="checkbox"/> Other/ <i>Autre</i> : <b>REGISTRAR</b>
<b>Case Name/ Affaire :</b>	NGIRABATWARE		<b>Case Number/ Affaire n° :</b> MICT-12-29-R
<b>Date Created/ Daté du :</b>	10/07/2017	<b>Date transmitted/ Transmis le :</b>	10/07/2010
		<b>No. of Pages/ Nombre de pages :</b>	2
<b>Original Language / Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<b>Title of Document/ Titre du document :</b>	DECISION - PUBLIC REDACTED VERSION		
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
<b>Document type/ Type de document :</b>	<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>
	<input type="checkbox"/> Decision/ <i>Décision</i>	<input checked="" type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
	<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	

**II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT**

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>					
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction :</i> (Word version of the document is attached/ <i>La version Word est jointe</i> )					
<input type="checkbox"/> English/ <i>Anglais</i>	<input checked="" type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :	
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>					
<b>Original/ Original en</b>	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<b>Translation/ Traduction en</b>	<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>					
<input type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :	

Send completed transmission sheet to/ *Veuillez soumettre cette fiche dûment remplie à :*  
[JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org) OR/OU [JudicialFilingsHague@un.org](mailto:JudicialFilingsHague@un.org)

Rev: April 2014/Rév. : Avril 2014