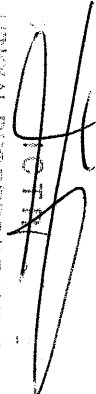


-0063

ICTR-01-65-1
19-08-2003
(759 - 757)

759
S. Mussa

ADJUNCT RECORDS/ARCHIVES
(RECEIVED)



2003 AUG 19 P 3:55

**DECISION OF WITHDRAWAL
OF Me. Mario SPANDRE
AS LEAD COUNSEL OF THE ACCUSED Jean
MPAMBARA**

The Registrar of the International Criminal Tribunal for Rwanda;

Considering Article 16 of the Statute of the ICTR (The Statute);

Considering Article 19 of the Directive on Assignment of Defence Counsel (The Directive);

Considering the letter dated August 13, 2001 assigning Mr. Mario SPANDRE as Lead counsel of the accused Jean MPAMBARA;

Considering the amply detailed request for withdrawal of Me. Spandre's assignment filed before the Registrar by Mr. Jean MPAMBARA on June 25, 2003;

Considering that the said Jean MPAMBARA has premised his request on the apparent disinclination of Me. Mario SPANDRE to perform the work involved in order to prepare Mr. MPAMBARA's defence and represent him;

Considering that to date the Tribunal has not received a detailed response to a letter sent on 14 July 2003 to Me. SPANDRE urging him to comment on the grievances put forward by Mr. Jean MPAMBARA in support of his request for withdrawal;

Considering that despite a reminder sent to him on August 7, 2003 urging him to submit his comments by August 11, 2003 Me. SPANDRE has not replied;

Considering that after a review of all the facts, especially that in the two years since Me. SPANDRE was assigned he has not managed to make one visit to the seat of the Tribunal despite the statement of availability signed and filed before the Tribunal, it appears that the situation envisaged by Rule 45 *ter* (B) of the *Rules of Procedure and Evidence* has now arisen;

Considering, that Counsel who accepts assignment as Defence Counsel before the Tribunal is legally obliged to act in compliance with its Rules and Code of Conduct, and Me. SPANDRE has put his other commitments ahead of his commitments to the Tribunal despite his signed declaration of availability;

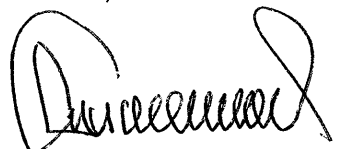
Considering that the exceptional circumstances underlying the implementation of Article 19 of the Directive prevail in this case as the unavailability and apparent unwillingness to act of Counsel is preventing an effective representation of the Accused;

757

Hereby discharges Me. Mario SPANDRE as Lead Counsel of M. Jean MPAMBARA, and notes that he is no longer eligible for assignment to an accused/suspect of the Tribunal;

Hereby directs the Accused to submit three names of eligible counsel as per Circular n.2 of November 22, 1999 to fill the position of Lead Counsel:

Hereby notifies Me. Mario SPANDRE, Mr. Jean MPAMBARA and the President of the French Bar of Brussels.



Lovemore Green MUNLO
Deputy Registrar
For The Registrar

Arusha, 18 August, 2003

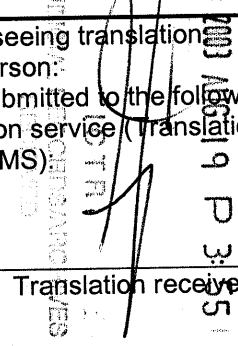


TRANSMISSION SHEET FOR OFFICIAL FILING OF DOCUMENTS WITH CMS
(Art. 27 of the Directive for the Registry, Court Management Section, International Criminal Tribunal for Rwanda)

To:	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input checked="" type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. Kouambo	<input type="checkbox"/> Trial Chamber III F. Talon	<input type="checkbox"/> Appeals Officer F. Talon /A. N'Gum
From:	<input type="checkbox"/> Chamber (name)	<input type="checkbox"/> Defence (name)	<input type="checkbox"/> Prosecutor's Office (name)	<input checked="" type="checkbox"/> Other: Deputy Registrar (name)	
Case Name:	The Prosecutor vs. Jean Mpambara			Case Number: ICTR-01-65-I	
Date:	Transmitted: August 19, 2003		Document's date: August 18, 2003		No. of Pages: 3
Original / Transl.	Document is a(n): <input checked="" type="checkbox"/> ORIGINAL: Fill sections below <input checked="" type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Kinyarwanda		<input type="checkbox"/> TRANSLATION into <input type="checkbox"/> Eng <input type="checkbox"/> Fr <input type="checkbox"/> Kinyar. (original was filed on)		
Doc. Title	Decision of withdrawal of Marion Spandre as Lead Counsel of the Accused Jean Mpambara				
Classification Level: <input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		TRIM Doc Type: <input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Order <input type="checkbox"/> Motion <input type="checkbox"/> Judgement <input type="checkbox"/> Decision <input type="checkbox"/> Correspondence <input type="checkbox"/> Disclosure <input type="checkbox"/> Submission from parties <input type="checkbox"/> Submission from non-parties <input type="checkbox"/> Affidavit <input type="checkbox"/> Accused particulars <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Book <input type="checkbox"/> Book of Authorities			

TRANSLATION STATUS ON DATE OF FILING OF ORIGINAL (completed by Chamber / Filing Party)

No action required by CMS regarding translations: <input type="checkbox"/> Filing Party/Chamber hereby submits BOTH the original and the translation to CMS for filing <input type="checkbox"/> Filing Party/Chamber will be submitting translation to CMS in due course, details are provided below. Fill in the boxes below.	Please take action with regard to translation: <input checked="" type="checkbox"/> Party/Chambers hereby submits the original, and will NOT oversee translation. Ignore the boxes below. <input type="checkbox"/> Reference material is provided in annex to facilitate translation
---	---

<input type="checkbox"/> Chamber <input type="checkbox"/> OTP is over-seeing translation. (copy of translation requisition slip is attached for reference) Name of contact person: The document is submitted for translation in: <input type="checkbox"/> Arusha <input type="checkbox"/> Kigali <input type="checkbox"/> The Hague	<input type="checkbox"/> Defence is overseeing translation Name of contact person: The document is submitted to the following accredited translation service (translation fees will be submitted to DCMS) Name of service: Address: Email / tel / fax:	
Target Language: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> Number of Pages <input type="checkbox"/> Expected date of translation:	

FOR OFFICIAL USE ONLY (TRIM DATA ENTRY / TRANSLATION PRIORITISATION)

<input type="checkbox"/> Top Priority	(prioritisation to be completed by CMS in consultation with Chambers / LCSS) COMMENTS	<input type="checkbox"/> Required Date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing Date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: