DECISION

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 on 8 June 2012 ("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 28 June 2011 Decision on the Prosecutor's Request for Referral to the Republic of Rwanda, issued by the Referral Chamber of the ICTR in the case of *Prosecutor v. Uwinkindi*, case number ICTR-01-75-R11bis;

CONSIDERING the 16 December 2011 Decision on Uwinkindi's Appeal Against the Referral of his Case to the Republic of Rwanda and Related Motions, issued by the ICTR Appeals Chamber in the case of *Prosecutor v. Uwinkindi*, case number ICTR-01-75-AR11bis, which upheld the referral of Mr. Uwinkindi's case to the Republic of Rwanda;

CONSIDERING Article 6(6) of the Statute which states: "After an order referring a case has been issued by the ICTY, the ICTR or the Mechanism and before the accused is found guilty or acquitted by a national court, where it is clear that the conditions for referral of the case are no longer met and it is in the interests of justice, the Trial Chamber may, at the request of the Prosecutor or *proprio motu* and upon having given the State authorities concerned the opportunity to be heard, revoke the order and make a formal request for deferral.";

CONSIDERING that Rule 14(C) of the Rules authorises the President of the Mechanism, *proprio motu* or at the request of the Prosecutor, to assign a Trial Chamber that shall decide whether to revoke the order and make a formal request for deferral;

CONSIDERING that in his 13 May 2015 Decision on Request for Revocation of an Order Referring a Case to the Republic of Rwanda and Assigning a Trial Chamber, in the case of *Prosecutor v. Uwinkindi*, case number MICT-12-25-R14.1, the President of the Mechanism assigned a Trial Chamber to consider the revocation of the referral of Mr. Uwinkindi's case;

NOTING Rule 43(A) of the Rules, which states that "[w]henever the interests of justice so demand, Defence Counsel shall be assigned to suspects or accused who lack the means to remunerate such Counsel";

NOTING Article 6(A) of the Directive, which states that "[a] suspect or accused who lacks the means to remunerate counsel shall have the right to have counsel assigned to him and paid for by the Mechanism";

CONSIDERING that, on 21 May 2015, the Registry informed Mr. Uwinkindi of his right to counsel and to have one assigned by the Registrar if he lacks the means to remunerate counsel;

NOTING that the ICTR assigned counsel to Mr. Uwinkindi in his initial referral proceedings before the ICTR;

CONSIDERING that in assigning counsel to Mr. Uwinkindi, the ICTR made a determination of his indigency and there is no available information at present which indicates that his financial situation has changed;

CONSIDERING that Mr. Uwinkindi has indicated to the Registry that Mr. Gatera Gashabana should represent him as his Lead Counsel in these proceedings before the Mechanism;

CONSIDERING that Mr. Gashabana has indicated his willingness to be assigned to an indigent suspect or accused and to be included on the Mechanism's list of counsel eligible for assignment to indigent suspects and accused envisaged in Rule 43 of the Rules ("Rule 43 list");

CONSIDERING that Mr. Gashabana has submitted the necessary documentation to qualify for inclusion on the Rule 43 list and the Registrar is satisfied that he meets the requirements to be included on the Rule 43 list;

CONSIDERING that there are currently no obstacles to Mr. Gashabana's assignment as Lead Counsel to represent Mr. Uwinkindi before the Mechanism;

HEREBY DECIDES to assign Mr. Gashabana as Lead Counsel to represent Mr. Uwinkindi before the Mechanism, effective as of the date of this Decision.

John Hocking
Registrar

Dated this 22nd day of June 2015.
At The Hague,
The Netherlands.