



Original: French

No.: ICC-01/04
Date: 26 March 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

Registrar's Decision on the Indigence of Victims a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06, a/0228/06

The Office of the Prosecutor
Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy
Prosecutor

Counsel for the Victims
Mr Joseph Keta

**The Office of Public Counsel for the
Defence**
Mr Xavier-Jean Keita, Principal
Counsel

**The Office of Public Counsel for
Victims**
Ms Paolina Massidda, Principal
Counsel

THE REGISTRAR of the International Criminal Court,

CONSIDERING article 43(6) of the *Rome Statute*;

CONSIDERING rules 16(1)(b), 16(1)(c) and 90(5) of the *Rules of Procedure and Evidence*;

CONSIDERING regulations 83 to 85 of the *Regulations of the Court*;

CONSIDERING regulations 113 and 131 to 136 of the *Regulations of the Registry*;

NOTING the Corrigendum to the *Decision on the Applications for Participation Filed in Connection with the Investigation in the Democratic Republic of the Congo* by a/0004/06 to a/0009/06, a/0016/06 to a/0063/06, a/0071/06 to a/0080/06 and a/0105/06 to a/0110/06, a/0188/06, a/0128/06 to a/0162/06, a/0199/06, a/0203/06, a/0209/06, a/0214/06, a/0220/06 to a/0222/06, a/0224/06, a/0227/06 to a/0230/06, a/0234/06 to a/0236/06, a/0240/06, a/0225/06, a/0226/06, a/0231/06 to a/0233/06, a/0237/06 to a/0239/06 and a/0241/06 to a/0250/06,¹ by which Pre-Trial Chamber I decided to grant the status of victims authorised to participate in the proceedings at the investigation stage of the situation in the DRC to, *inter alia*, Applicants a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06, a/0228/06 (“the applicants”);

NOTING the letter from Mr Joseph Keta of 31 January 2008² entitled “*Déclaration d’indigence et demande d’aide judiciaire aux frais de la Cour Pénale*”

¹ ICC-01/04-423-tENG, ICC-01/04-423-Corr-tENG.

² Letter received by the Court on 7 February 2008.

Internationale” [“Statement of indigence and application for legal assistance paid by the Court”];

NOTING the letter sent by the Victims Participation and Reparations Section on 3 March 2008 entitled “*Re. Informations supplémentaires relatives à la demande d’aide judiciaire*” [“Re. Additional information relating to the application for legal assistance”];

NOTING the letter from Mr Joseph Keta of 7 March 2008³ entitled “*Informations supplémentaires relatives à ma demande d’aide judiciaire du 22 février 2008*”;

CONSIDERING that, according to the information provided, the region from which the applicants come [TRANSLATION] “has been the scene of massive population displacement, making living conditions highly insecure” and that [TRANSLATION] “many victims have seen their homes destroyed and their belongings pillaged”;

CONSIDERING that an initial review of the information provided by the applicants under regulation 84(1) of the *Regulations of the Court* suggests, *a priori*, that they do not have the means to bear all or part of the costs of their legal representation before the Court;

CONSIDERING that the applicants’ statement of indigence is not accompanied by a signed statement certifying on their honour the correctness of the information provided, irrevocably authorising the Registrar to take any action required without having to consult them and undertaking to inform him of any change in their financial situation;

³ Letter received on 7 March 2008.

CONSIDERING, however, that Mr Joseph Keta, as the Legal Representative of the applicants, has made a statement on his honour on behalf of his clients that the information provided was correct, has irrevocably authorised the Registrar to take any action required without having to consult the applicants, and has undertaken to inform the Registrar of any change in their financial situation;

CONSIDERING that, exceptionally, and taking account of the circumstances of the case, the express undertaking of the Legal Representative on behalf of his clients satisfies the conditions required to facilitate the financial investigation for the purposes of legal assistance paid by the Court; that the acceptance of this undertaking is nevertheless temporary, and that it is subject to the Registrar receiving the afore-mentioned individual statements signed by the applicant;

CONSIDERING that the status of victims authorised to participate in the proceedings at the stage of the investigation into the situation in the DRC was granted to the applicants by Pre-Trial Chamber I in connection with the situation in the DRC;⁴

CONSIDERING the various proceedings pending before the Appeals Chamber⁵ in connection with victim participation and for which victims of the situation have filed applications for participation;⁶

CONSIDERING that, having regard to the afore-mentioned circumstances, a provisional decision from the Registrar on the applications for legal assistance paid by the Court filed by the applicants is warranted, and that, moreover, the

⁴ ICC-01/04-423-Corr-tENG.

⁵ ICC-01/04-480, ICC-01/04-481.

⁶ ICC-01/04-468, ICC-01/04-486.

issuance of such a decision at this stage would serve the interests of justice and the rights of the applicants without, however, prejudicing the rights of the Defence;

FOR THESE REASONS,

DECIDES, having regard to the circumstances and the information submitted by the applicants and by their Legal Representative, Mr Joseph Keta, that they shall be provisionally deemed to be wholly indigent under regulation 85(1) *in fine* of the *Regulations of the Court*, pending the outcome of the investigation into the property and assets of the applicants;

DECIDES that the extent of the legal assistance to be granted to the applicants shall be determined on a case-by-case basis in accordance with the modalities for the participation of the applicants in the proceedings as determined by the competent Chamber;

INVITES the applicants to file an application for legal assistance paid by the Court whenever necessary to take any action required to preserve their interests in the proceedings;

INFORMS the applicants that they may apply to the Presidency for a review of this decision within fifteen days from the date of its notification, pursuant to regulation 85(4) of the *Regulations of the Court*;

NOTIFIES this decision to Mr Joseph Keta in his capacity as Legal Representative of Applicants a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06, a/0228/06.

per [signed]

**For the Registrar
Didier Preira
Head of the Division of Victims and Counsel**

Dated this 26 March 2008
At The Hague