Cour
Pénale
Internationale

International
Criminal
Court

Original: **French**

No.: **ICC-01/04**
Date: **6 May 2008**

THE PRESIDENCY

Before: **Judge Philippe Kirsch, President**
Judge Akua Kuenyehia, First Vice-President
Judge René Blattmann, Second Vice-President

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

Registrar's Observations under regulations 24 *bis* and 34(b) of the *Regulations of the Court* in respect of the Request for Review of the Registrar's *Decision on the Application for Legal Assistance Paid by the Court Filed by Mr Keta on behalf 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,* dated 28 March 2008

Source: **Division of Victims and Counsel/Registry**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

Legal Representatives of Victims
Mr Joseph Keta

Registrar
Ms Silvana Arbia

Victims Participation and Reparations Section
Fiona McKay

Other
Division of Victims and Counsel
Didier Preira

THE REGISTRAR of the International Criminal Court ("the Court")

CONSIDERING rule 16 of the *Rules of Procedure and Evidence* ("the Rules") governing the "Responsibilities of the Registrar relating to victims and witnesses";

CONSIDERING regulation 83 of the *Regulations of the Court* ("the RoC"), which provides that "[l]egal assistance paid by the Court shall cover all costs reasonably necessary as determined by the Registrar for an effective and efficient defence" and that "[t]he scope of legal assistance paid by the Court regarding victims shall be determined by the Registrar";

CONSIDERING regulations 130 to 132 of the *Regulations of the Registry* ("the RoR");

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 that the status of victims authorised to participate in the proceedings at the investigation stage of the situation in the DRC was granted 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 letters from Mr Keta ("the Legal Representative") dated 31 January 2008, received by the Court on 7 February 2008, entitled "*Déclaration d'indigence et demande d'aide judiciaire aux frais de la Cour Pénale Internationale*" ["Statement of indigence and application for legal assistance paid by the International Criminal Court"], the letter dated 22 February 2008 entitled "*Demande d'aide judiciaire aux frais*

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

de la Cour Pénale Internationale des victimes 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: Présentation du plan d'action" ["Application for legal assistance paid by the International Criminal Court 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: Presentation of plan of action"], and the letter dated 7 March 2008 entitled "*Informations supplémentaires relatives à ma demande d'aide judiciaire du 22 février 2008"* ["Additional information concerning my application for legal assistance of 22 February 2008"];

NOTING the Registrar's decision of 26 March 2008 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;[2]

NOTING the Registrar's decision of 28 March 2008 on the application for legal assistance paid by the Court filed by the Legal Representative on behalf 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;[3]

NOTING the request of the Legal Representative dated 14 April 2008[4] ("the Request"), in which he seeks a review of the Registrar's decision of 28 March 2008 under regulation 85(3) of the RoC;

SUBMITS the following observations under regulations 24 *bis* and 34(b) of the RoC:

---

[2] ICC-01/04-490-tENG.
[3] See annex I, *Corrigendum to the "Registrar's Decision on the Application for Legal Assistance Paid by the Court Filed by Mr Keta on behalf 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"*.
[4] ICC-01/04-494-tENG.

I. Preliminary observations

1. In its decision of 20 December 2005,[5] the Presidency of the Court defined the test applicable to the "judicial review" and setting aside of administrative decisions of the Registrar ruling that "[…] the review of the administrative decision of the Registrar […] is concerned with the propriety of the procedure by which the Registrar reached the particular decision and the manner in which he reached it. The review involves a consideration of whether the Registrar has acted without jurisdiction, has committed an error of law, has failed to act with procedural fairness, has taken into account irrelevant factors or failed to take into account relevant factors, or has reached a conclusion which no sensible person who has properly applied his or her mind to the issue could have reached. […]";

2. The Registrar wishes at the outset to respectfully draw the attention of the Presidency to the responsibility incumbent upon her to ensure that the funds earmarked by the States Parties for legal assistance are managed in a balanced and judicious manner, in particular, in accordance with regulation 83 of the RoC, as well as to the concern of the States Parties, via the Committee on Budget and Finance, that legal assistance must be managed very carefully to avoid abuses and contain costs.[6]

3. Furthermore, the Registrar points out that she is acutely aware of her responsibilities and obligations flowing from article 68(1) of the Statute, and considers that neither her decision of 26 March 2008 nor that of 28 March 2008, which is the subject of the Request, is likely to endanger the safety, physical and psychological well-being, dignity and privacy of the applicants for legal assistance.

4. Moreover, the Registrar notes that no request for review of her decision of 26 March provisionally deeming the applicants to be indigent, subject to receipt of

[5] See the *Decision of the Presidency*, ICC-Pres-RoC72-02-05; see also *Prosecutor v. Miroslav Kvočka, Mlado Radić, Zoran Žigić & Dragoljub Prcać*, IT-98-30/1-A, *Decision on Review of Registrar's Decision to Withdraw Legal Aid from Zoran Žigić*, 7 February 200
[6] See ICC-ASP/4/2, p. 16, para. 52.

individual statements signed by the applicants and to an investigation into their assets, was submitted to the Presidency within the time prescribed by regulation 85(3) of the RoC, and hence has become a final decision – one which the Request appears to be challenging, despite the fact that any appeal against the decision would be inadmissible.

5. Lastly, the Registrar submits that, in issuing the decision of 28 March 2008, she acted within her jurisdiction; did not commit an error of law; acted with procedural fairness; did not take into account irrelevant factors or fail to take into account relevant factors; and did not reach a conclusion which no sensible person who has properly applied his or her mind to the issue could have reached.

II. Observations on the establishment of a consistent legal assistance scheme for victims

6. The Registrar points out that, unlike the determination of the indigence of suspects or accused persons, determining the indigence of victims acting before an international criminal court is a new area in which few relevant precedents exist. The institution of a legal assistance scheme for victims before the Court is a process that is fully underway. This process, while demanding a creative, flexible and novel approach, also requires a consistent, objective and realistic approach which does not permit that it be based on a total presumption of indigence in favour of victims, as the Request appears to state.

A. Development of a new scheme

7. The Registry has initiated a series of consultations – beginning in April 2006 at the seat of the Court, and subsequently in the field in the Democratic Republic of the Congo and in Uganda – focusing on the establishment of a legal assistance scheme specific to victims acting before the Court, and more specifically, with respect to the determination of their indigence. To this day, despite these consultations, the Registry does not have sufficient, relatively reliable information which flows, in

particular, from the dynamics of the applications for participation and the cases which are before the Court to enable it to define a consistent, detailed and serious scheme to determine objectively the state of indigence of victims while taking account, *inter alia*, of their precarious and/or vulnerable situation, as well as the requirements of transparency in the management of public funds. Hence, pending the definition of a system for determining victims' indigent status and of a specific standard form pertaining thereto, a decision was made to use in the interim the "*Financial Information Form*" to which reference is made in the Request[7] and which was initially created for suspects and accused persons appearing before the Court. The Registrar recalls that the Presidency of the Court authorised the use of the said form by victims, pending the finalisation of a separate form designed specifically for victims.[8]

8. It is worth pointing out that the "*Financial Information Form*" enables the Registry to obtain not only information about the economic situation of the applicant for legal assistance paid by the Court, which helps it to establish, on the basis of the information disclosed, whether the applicant for legal assistance is indeed indigent, but also, and especially, it enables specific authorisations and undertakings to be obtained from the applicant, with a view to facilitating the investigation and cooperating effectively in the investigation to be carried out by the Registry into his or her real financial situation.

9. Pending the development and approval of a financial information form specifically relating to victims, and with a view to being flexible, the Registry invites legal representatives whose clients claim to be indigent and who wish to receive legal assistance paid by the Court to provide particular information about their clients' means and resources which the Registry would agree to take into account. At the same time, the Registry informs the legal representatives of the importance of providing, at the very least, a statement signed by the applicants. In this respect, the

[7] Paragraph 11 of the Request.
[8] Cf. Confidential Annex 2.

Registry wishes to point out that it is reasonable to expect that any financial information form pertaining to victims which will be adopted in the future will comprise at a minimum i) certain basic information about the applicant's means and resources, similar to that requested of the legal representatives in this particular case, and ii) a requirement that the applicant personally and individually sign a statement to cooperate effectively in the investigation into his or her indigence. The Registry considers this latter requirement to be essential.

B. *Requirement of a statement from victims and presumption of indigence*

10. The Registrar wishes to recall that the provisions governing the legal assistance scheme require applicants seeking to receive such assistance to complete the relevant forms and require the Registrar to assess the applications objectively and individually.

11. Indeed, pursuant to regulation 132(1) of the RoR "a person applying for legal assistance paid by the Court must fill out the approved standard forms and provide the information necessaries to support their request".

12. Furthermore, regulation 84 of the RoC and regulation 132(1) of the RoR imply that, regardless of the geographical, social or humanitarian origin of the applicants, the indigence of victims has to be assessed based on the personal means of each applicant. Consequently, the Registry has to know the financial situation of each applicant individually and require each of them to sign a statement, on their honour, certifying the correctness of the information provided, irrevocably authorising the Registrar to take any action required without having to consult them, and undertaking to inform the Registrar of any change in their financial situation. Indeed, the Registrar has the responsibility of ensuring that funds disbursed for legal assistance are used appropriately and it is up to her to take all appropriate measures to ensure, to the extent possible, the accuracy of the information provided and the merits of any decision to grant legal assistance paid by the Court.

13. The Registrar considers, therefore, that the obligation of applicants to provide an individual statement, as required by the Registry in its decisions, stems from the statutory instruments governing legal assistance paid by the Court.

14. Hence, since the need to assess indigence applications based on the information and statements relating to each applicant stems from the texts of the Court, the Registrar respectfully submits that the principle of total presumption of indigence cannot be applicable to the legal regime currently governing legal assistance paid by the Court.

15. Furthermore, the legal assistance scheme has to be rational in order to be applicable to any situation that may arise before the Registry. Indeed, it cannot be presumed that any victim of crimes falling within the jurisdiction of the Court is automatically indigent, since it can reasonably be envisaged, for example, that a victim of a situation or case falling within the jurisdiction of the Court can reside in a country or live in circumstances that enable him or her to have sufficient resources to pay or contribute, in part, to his or her legal representation fees. Hence, an automatic and total application of a principle of presumption of indigence would defeat the need for consistency of the legal assistance scheme. However, the Registry does not rule out that some form of presumption of indigence may be applied to pre-defined special cases, such as minors. Nevertheless, such a presumption may not be applied without the submission of information that, at least, makes it possible to establish, with a certain degree of certainty, that the applicant belongs to such a pre-defined category, and does not preclude the obligation to provide a signed statement of the applicant, as required by the texts of the Court.

C. Application to this case

16. In light of the foregoing observations, as applied to this case, the Registrar wishes to draw attention to the flexibility shown by her office in deciding that the victims were provisionally wholly indigent, given the circumstances of this case.

Hence, the Registrar considers that the concerns and problems raised by the Legal Representative were taken into account in the decision of 28 March 2008 since the applicants were not requested to submit the standard financial information form, even though this is, in principle, a formal condition. In the absence of a form pertaining specifically to victims, only two requirements were to be fulfilled: (i) the submission of particular information on the financial situation of the applicants, and (ii) the signing by the applicants of a statement to cooperate effectively in the investigation. The Registrar considers that these two requirements represent a reasonable minimum in the first phase of processing victims' applications for legal assistance.

17. In implementing these two minimum requirements, the competent services of the Registry also demonstrated their flexibility. Exceptionally, they considered that the express undertaking by the Legal Representative on behalf of his clients satisfies, at the outset, the requirement to facilitate the financial investigation for the purposes of the legal assistance scheme paid by the Court. Nevertheless, the Registry made it clear that acceptance of that undertaking was provisional and subject to receipt by the Registrar of the signed individual statement of each applicant before payment of any fees or expenses. Indeed, the Registrar considers that these signatures can be obtained earlier within the framework of counsel's relationship with his or her client(s) and of their normal contacts. The Registry considers that it demonstrated flexibility in accepting that statements be submitted at a later unspecified date, thereby giving the Legal Representative reasonable time to contact his clients. Furthermore, the disbursement of legal assistance funds is, in any case, subject to the presentation of various documents, such as statements of hours worked, etc., by the Legal Representative after carrying out his activities; in other words, some time after activities are carried actually out: the Registry considers that the time provided for the submission of statements can reasonably fall within this time limit which exists *de facto.*

18. Lastly, the Registrar considers that the consequence of her decisions is not to prevent the Legal Representative from providing assistance to his clients which would be covered by the legal assistance scheme, but merely to ensure that the legal assistance would actually be paid only after submission of the required documents, in order to satisfy the formal requirements of the legal assistance scheme as provided in the relevant texts. Hence, the decisions of the Registry have no impact on the effective representation of the victims, but rather seek to ensure that the legal assistance scheme is consistent, transparent, reliable and objective.

III. Specific arguments advanced by the Legal Representative

19. The Legal Representative contends that there should be a presumption of "full and comprehensive" indigence in favour of victims applying for legal assistance and puts forward the following arguments in support of his case:

(a) The cut-off point for the calculation of indigence set by the Court is such that victims would have to be exceptionally rich not to be deemed indigent;

(b) Recourse to a principle of presumption by other courts and mass claims bodies has facilitated the management of applications submitted thereto, while also helping the victims;

(c) Studies of the situation of victims of mass crimes show that the humanitarian context in which they live *de facto* implies indigence; similarly, those studies highlight an individual process of impoverishment on account of the harm they have suffered, irrespective of their immediate environment;

(d) Recourse to a presumption of indigence is neither prejudicial to nor inconsistent with the rights of the accused and a fair and impartial trial; and

(e) The impact that decisions on review could have on the applicants.[9]

[9] Paragraphs 37 to 42 of the Request.

A. The argument that the cut-off point for the calculation of indigence set by the Court is such that victims would have to be exceptionally rich not to be deemed indigent

20. The Registrar points out that the *Report on the Principles and Criteria for the Determination of Indigence for the Purposes of Financial Aid*[10] mentioned by the Legal Representative and submitted for consideration to the Sixth Session of the Assembly of States Parties covers only persons impleaded before the Court as suspects or accused. Indeed, the legal bases on which that Report was drafted specifically concern articles 55(2) and 67(1)(d) to the exclusion of provisions relating to victims, i.e. articles 68(3) and 75 in particular of the Statute.[11]

21. While the Registry may eventually rely on this report to determine the indigence of victims, indigence is currently determined *in concreto* based on the circumstances of each case pursuant to rule 84(1) of the RoC, which provides that "[w]here a person applies for legal assistance to be paid by the Court, the Registrar shall determine the applicant's means and whether he or she shall be provided with full or partial payment of legal assistance".

22. The Registry acknowledges that it may be argued that the indigence threshold applied to suspects/accused for the purposes of receiving legal assistance from the Court implies that persons not receiving such assistance have more resources compared to the average financial situation of Congolese nationals residing in Ituri, for example. However, the Registry points out that taking into account the daily subsistence allowance (DSA) at the rate set by the UN for each country/city was only one of the two options contemplated for calculating the obligations of a person claiming to be indigent.[12] In the end, this option was not retained because of the reservations expressed by the Committee on Budget and Finance at its fourth

[10] ICC-ASP/6/INF.1 (31 May 2007).
[11] See paragraph 4 of the *Report on the principles and criteria for determination of indigence for purposes of legal aid* (ICC-ASP/6/INF.1).
[12] See paragraph 16 of the *Report on the principles and criteria for determination of indigence for purposes of legal aid* (ICC-ASP/6/INF.1).

session.[13] For the purposes of calculating the obligations of a suspect or accused person claiming to be indigent, cost of living statistics published by any official authority, not the DSA, are taken into account.

23. The Registrar wishes to draw the Presidency's attention to the fact that she has never requested or required victims to fulfil the same assessment criteria applicable to suspects or accused persons.

B. The argument that recourse to the principle of presumption by other courts and mass claims bodies has facilitated the management of applications, while also helping victims

24. The Registrar considers that the examples given by the Legal Representative on the practice of various courts and bodies in this area do not enable it to be appropriately established with certainty that the Court could and should make a "full and comprehensive" application of the presumption of indigence in favour of the victims.

25. The Registrar points out that with the exception of the Claims Resolution Tribunal for Dormant Accounts in Zurich, none of the other institutions mentioned in the Request are courts.

26. Thus, by way of example, the International Commission on Holocaust Era Insurance Claims had no mandate to prosecute and try crimes. Its mandate was to identify and award insurance claims relating to a specific period, using routes other than litigation and at no cost to the claimants.[14] Moreover, between 1998 and 2007, this Commission awarded a total of US$306 million in individual compensation and committed more than US$109 million in funding for humanitarian programs.[15]

---

[13] See paragraph 50 of the *Report of the Committee on Budget and Finance on the work of its fourth session* (ICC-ASP/4/2).
[14] See link http://www.icheic.org/pdf/ICHEIC%20Legacy%20Document.pdf.
[15] See link: http://www.icheic.org/about.html.

27. Similarly, the United Nations Claims Commission is not a court before which parties appear in an adversarial hearing.[16] In December 2007, the Commission awarded more than US$52 billion in compensation.[17]

28. With respect to the Claims Resolution Tribunal for Dormant Accounts in Zurich, although it is a court, it nevertheless has a different mandate to that of the Court and operates statutorily on the basis of relaxed standards of proof.[18] Between 1997 and 2001, when the Tribunal completed its assignment, it awarded a total of 65 million Swiss francs.

29. The Registrar is therefore of the opinion that both the specific mandates of these various institutions and the sums managed by them, which cannot be compared to the annual budget of the legal assistance scheme paid by the Court earmarked for victims, which amounts to 574,000 euros, certainly go some way to explaining these institutions' recourse to a "full and comprehensive" presumption of victims' indigence. The legal assistance scheme paid by the Court is a new and specific scheme which is based on a different legal and financial reality from that of those institutions and cannot, for the time being, contend with the implications of applying a "full and comprehensive" presumption of indigence in favour of victims.

C. The argument that studies of the situation of victims of mass crimes show that the humanitarian context in which they live de facto implies indigence and according to which those studies highlight an individual process of impoverishment on account of the harm they have suffered, irrespective of their immediate environment

30. The Registry appreciates the precarious and difficult humanitarian, social and economic context in which the victims of war crimes and crimes against humanity live. Thus, in her decision of 26 March 2008, the Registrar took into consideration the

---

[16] See paragraph 20 of the *Report of the Secretary-General Pursuant to Security Council resolution 687 (1991) (S/22559)*, available via the link: http://www2.unog.ch/uncc/introduc.htm.
[17] See link: http://www2.unog.ch/uncc/introduc.htm.
[18] See article 22 of the Tribunal's *Rules of Procedure* available via this link: http://www.crt-ii.org/_crt-i/frame.html.

fact that "the region from which the applicants come has been the scene of massive population displacement, making living conditions highly insecure and that many victims have seen their homes destroyed and their belongings pillaged" to decide that the applicants shall be provisionally deemed wholly indigent.

31. However, the Registrar is, once more, of the opinion that, considering its limited budget, the Court's legal assistance scheme cannot, at present, be based on an automatic presumption that victims are indigent.

D. ***The argument that recourse to a presumption of indigence is neither prejudicial to nor inconsistent with the rights of the accused and a fair and impartial trial***

32. The Registry considers that in the instant situation, the issue of the existence of a presumption of indigence in favour of the victims does not arise in terms of possible prejudice to or inconsistency with the rights of the accused or a fair and impartial trial.

33. In fact, the impact on the rights of the accused is not among the factors to be taken into consideration for granting legal assistance, since the applicant for legal assistance paid by the Court was granted leave to participate in the proceedings by the competent Chamber in accordance with article 68(3) of the Statute.

E. The alleged impact that the decision of 28 March 2008 could have on the applicants[19]

34. The Legal Representative states that "[t]he Registrar's Decision of 28 March 2008, which makes the determination of victims' indigence, as well as the processing and monitoring of applications for legal assistance, contingent on the submission of a statement signed by applicants on their honour, and on the provision of additional information on their financial situation, has the effect of delaying their effective representation […]"

[19] Paragraphs 37 to 42 of the Request.

35. The Registry wishes to respectfully refer to its foregoing observations in which it emphasises the flexibility it demonstrated in the various decisions relating to the instant case. In particular, the Registry recalls the following observation which is that the consequence of its decisions is not that the Legal Representative may not carry out assistance activities for his clients covered by the legal assistance scheme, but that the consequence is solely that the legal assistance can only be effectively paid out once the requisite documents have been submitted, so as to satisfy the inherent formal requirements of the legal assistance scheme as provided for by the texts. Accordingly, the Registry's decisions have no impact on the victims' effective representation, but aim to ensure that the legal assistance scheme is consistent, reliable and objective.

36. The Legal Representative submits that it is very difficult for him to meet his clients.[20] The Registry does acknowledge the difficulties that counsel may face when representing clients currently in a region such as Ituri, as is the case for the Legal Representative. The Registry is particularly aware of the security and logistical issues which require specific measures to be taken in the organisation of such activities. However, the Registry considers that the Legal Representative has a duty to inform his clients on the status of the proceedings concerning them and to consult them in order to receive instructions on the procedural choices which may arise. This is extremely important for the preservation of the integrity of proceedings and constitutes the minimum requirement for legal representation: it does not seem advisable to promote a scheme in which a legal representative would be unable to contact his or her clients. The reason the Registry considers that it must demonstrate flexibility in dealing with the request in the instant case is specifically because of its acknowledgement of these difficulties. To date, the Registry has demonstrated great flexibility with respect to the date for receiving the applicants' statements because of the practical difficulties which the Legal Representative is currently faced with.

[20] Paragraphs 37 to 42 of the Request.

37. The Legal Representative states that the Office of the Prosecutor and the Registry follow a strict policy on contact with victims in order to ensure the latter's safety and refers to the principle developed and implemented by the Victims and Witnesses Unit which consists of " restrict[ing] contact with victims to what is strictly necessary''. However, while the Court's policy is to actually discourage contact between a client and his or her legal representative which is not strictly necessary, the latter must nevertheless take all necessary measures to meet his or her clients when it appears to be compelling, as is the case where a client claiming to be indigent and requesting legal assistance paid by the Court must sign the form or at the very least the undertaking prepared by the Registry and approved by the Presidency to this effect pursuant to regulation 23(2) of the RoC.

ACCORDINGLY, the Registrar respectfully requests the Presidency:

To find that the Registrar's decision of 26 March 2008 has become final since a review of the decision was not sought within the time prescribed by regulation 85(3) of the RoC;

To dismiss the Legal Representative's request for review dated 14 April 2008;

To affirm that the Registrar's decisions on the applicants' indigence and legal assistance are subject to the submission of (i) the statement signed by the applicants 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 the Registrar of any change in their financial situation; and (ii) additional information concerning the applicants' current financial situation.

[signed]

Silvana Arbia,
Registrar

Dated this 6 May 2008

At The Hague, The Netherlands