



Original: **French**

No.: **ICC-01/04-01/06**

Date: **9 June 2008**

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public Document

Registrar's Decision on the Indigence of Victims a/0001/06, a/0002/06 and a/0003/06

Source: Division of Victims and Counsel

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Ekkehard Withopf

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley
Mr Franck Mulenda

Legal Representatives of the Applicants

Registrar

Ms Silvana Arbia

Division of Victims and Counsel

Didier Preira

**Victims Participation and Reparations
Section**

Ms Fiona McKay

THE REGISTRAR of the International Criminal Court,

CONSIDERING article 43(6) of the Rome Statute;

CONSIDERING rules 16(1)(b) and 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 Pre-Trial Chamber I's decision of 28 July 2006¹ by which the judges decided to grant Applicants a/0001/06, a/0002/06 and a/0003/06 victim status;

NOTING the Trial Chamber's decision granting those victims who had been granted victim status by Pre-Trial Chamber I in the case of *The Prosecutor v. Thomas Lubanga Dyilo* leave to participate in the hearings for the purpose of preparation for trial until the Trial Chamber renders a decision on the status of these Applicants;

NOTING the Trial Chamber's decision of 18 January 2008² by which the Chamber ordered the Registry to "provide access to the entire public record and index of the case of *The Prosecutor v. Thomas Lubanga Dyilo* to all victims who have been granted participating status in the proceedings";

NOTING the participation of the Legal Representatives of the Victims in the status conferences before Trial Chamber I;

NOTING Trial Chamber I's decision inviting the parties to submit their observations on, *inter alia*, applications for participation from the Applicants dated 6 May 2008;³

¹ ICC-01/04-01/06-228.

² ICC-01/04-01/07-1119.

³ ICC-01/04-01/06-1308.

NOTING the Legal Representative's letter dated 6 March 2008⁴ in which he filed an application for legal assistance on behalf of the Applicants;

NOTING the Registry's letter dated 20 March 2008⁵ informing the Legal Representative that the Applicants must individually sign a statement of their indigence;

NOTING the Applicants' financial information forms and their accompanying statements signed by the Applicants and registered by the Registry on 19 and 30 May 2008;

ISSUES THE FOLLOWING DECISION:

CONSIDERING that Pre-Trial Chamber I granted victim status to the Applicants on 28 July 2008;⁶

CONSIDERING the information provided by the Applicants on their moveable and immovable assets, on their occupation and the number of their dependants;

CONSIDERING that a preliminary assessment of the said information under regulation 84(1) of the *Regulations of the Court* suggests, *a priori*, that the Applicants do not have sufficient means to pay all or any of the costs of their legal representation before the Court;

CONSIDERING that to facilitate the investigation into their indigence, the Applicants have freely authorized the Registrar or her representative to make all necessary enquiries from, *inter alia*, financial institutions and land registries and, if required, to have access to their bank accounts;

⁴ VPRS-LA-2008-012(inc).

⁵ VPRS-LA-2008-010(out).

⁶ ICC-01/04-01/06-228.

FOR THESE REASONS,

DECIDES to provisionally consider the Applicants wholly indigent under regulation 85(1) *in fine* of the *Regulations of the Court*, pending the outcome of the investigation into the Applicants' property and assets;

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 as specified by Trial Chamber I in the event that they are granted leave to participate in the trial as victims;

INVITES the Applicants, once Trial Chamber I has granted them victim status at the trial stage in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, to file an application for legal assistance whenever necessary to take any action required to preserve their interests in the proceedings;

INFORMS Victims a/0001/06, a/0002/06 and a/0003/06 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 Luc Walleyrn in his capacity as Legal Representative of Victims a/0001/06, a/0002/06 and a/0003/06.

[signed]

Silvana Arbia,
Registrar

Dated this 9 June 2008

At The Hague, The Netherlands