



Original: **French**

No.: **ICC-01/04-01/07**

Date: **9 June 2008**

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA
and
MATHIEU NGUDJOLO CHUI***

Public Document

Registrar's Decision on the Indigence of Victims a/0327/07, a/0330/07 and a/0331/07

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

Mr Luis Moreno Ocampo
Mr Eric Macdonald

Counsel for the Defence of Germain

Katanga
Mr David Hooper
Ms Caroline Buisman

Counsel for the Defence of Mathieu

Ngudjolo Chui
Mr Jean-Pierre Kilenda Kakengi Basila
Ms Aurélie G. Roche

Legal Representatives of the Victims

Ms Carine Bapita

Legal Representatives of the Applicants

Registrar

Ms Silvana Arbia

Division of Victims and Counsel

Didier Preira

Victims Participation and Reparations

Section

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 on the Applications for Participation in the Proceedings of Applicants a/0327/07 to a/0337/07 and a/0001/08*¹ of 2 April 2008 granting Applicants a/0327/07, a/0330/07 and a/0331/07 (the Applicants) the procedural status of victim at the pre-trial stage of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* and at the stage of the investigation into the situation in the DRC;

NOTING the five e-mails received on 17 April 2008 from Ms Carine Bapita transmitting to the Registry, in her capacity as legal representative, the financial information forms for Applicants a/0330/07 and a/0331/07² and their accompanying statements signed by the Applicants;

NOTING the "*Requête en vue de l'obtention de l'aide judiciaire au frais de la Cour pour les victimes a/0327/07, a/0330/07, a/0331/07*",³ dated 21 May 2008;

ISSUES THIS DECISION:

CONSIDERING that Pre-Trial Chamber I granted the Applicants victim status on 2 April 2008;⁴

¹ ICC-01/04-01/07-357.

² VPRS-LA-2008-017(in) to VPRS-LA-2008-021(in).

³ VPRS-LA-2008-027(in).

CONSIDERING the information provided by the Applicants on their moveable and immoveable 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;

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 the competent Chamber;

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

INFORMS Victims a/0327/07, a/0330/07 and a/0331/07 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*;

⁴ ICC-01/04-01/07-357.

NOTIFIES this decision to Ms Carine Bapita in her capacity as Legal Representative of Victims a/0327/07, a/0330/07 and a/0331/07.

[signed]

Silvana Arbia,
Registrar

Dated this 9 June 2008

At The Hague, The Netherlands