



Original: **French**

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

Date: **18 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/0015/08, a/0023/08, a/0024/08,
a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08,
a/0034/08 and a/0035/08**

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 Victims

Mr Jean Chrysostome Mulamba
Nsokoloni

Legal Representatives of 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,

NOTING article 43(6) of the Rome Statute;

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

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

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

NOTING the Decision by Pre-Trial Chamber I of 10 June 2008 entitled *Decision on the 97 Applications for Participation at the Pre-Trial Stage of the Case*,¹ which *inter alia* granted Applicants a/0015/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0030/08, a/0032/08, a/0033/08, a/0034/08, a/0035/08 (the Applicants) the procedural status of victim in proceedings 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 statements on his honour signed by Mr Jean Chrysostome Mulamba (the Legal Representative) in his capacity as legal representative of Applicants a/0015/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0030/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08, and the application for legal assistance to the Applicants filed by the Legal Representative, received by e-mail on 11 June 2008;²

NOTING the Decision of 29 April 2008,³ scheduling a status conference for 19 June 2008 and the confirmation hearing for the period 23 June 2008 to 18 July 2008:

ISSUES THIS DECISION:

CONSIDERING that Pre-Trial Chamber I granted all of the Applicants victim status on 10 June 2008,⁴ except for Applicant a/0023/08, whose application had not been forwarded to the Chamber;

¹ ICC-01/04-01/07-578.

² VPRS-LA-2008-030(in).

³ ICC-01/04-01/07-459.

⁴ ICC-01/04-01/07-578.

CONSIDERING that the Registrar deemed Victim a/0023/08 indigent⁵ on the basis of an application for legal assistance filed by Mr Hervé Diakiese, and that two legal representatives cannot file two separate applications for legal assistance on behalf of the same applicant;

CONSIDERING the information provided by the Legal Representative on the moveable property and professional situation of the Applicants;

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

CONSIDERING that the Applicants have not signed a statement on their honour certifying that the information provided is correct, irrevocably authorising the Registrar or her representative to take any action required without having to consult them, and undertaking to inform the Registrar of any change in their financial situation;

CONSIDERING however, that the Legal Representative has made a statement on behalf of the Applicants certifying that the information provided is correct, has irrevocably authorised the Registrar to take any action required without having to consult them, in particular to financial institutions and land registries, and to have access to any bank accounts held by them, and has undertaken to inform the Registrar of any change in their financial situation;

CONSIDERING that, exceptionally and given the circumstances of the case and the fact that a status conference and the confirmation hearing are to be held within a very short time of each other, the express undertaking by the Legal Representative on behalf of each of the Applicants satisfies the conditions laid down in order to facilitate a financial investigation for purposes of the Court's legal assistance scheme;

⁵ ICC-01/04-01/07-606

that acceptance of that undertaking is nonetheless provisional and subject to receipt by the Registrar of the abovementioned statements signed by the Applicants;

CONSIDERING that, having regard to the afore-mentioned circumstances, a provisional decision by the Registrar on the indigence of the Applicants is justified, and that, moreover, to issue 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 to the information submitted by the Legal Representative on behalf of the Applicants, provisionally to deem the Applicants wholly indigent under regulation 85(1) *in fine* of the *Regulations of the Court*, pending the outcome of the investigation into their property and assets and pending receipt by the Registrar of statements signed on their honour by 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 their participation as specified by the competent Chamber;

DECIDES that the application filed on behalf of Applicant a/0015/08 cannot be accepted;

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

INFORMS Applicants a/0015/08, a/0023/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08 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 Jean Chrysostome Mulamba Nsokoloni in his capacity as Legal Representative of Victims a/0015/08, a/0023/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08.

[signed]

Silvana Arbia,
Registrar

Dated this 18 June 2008

At The Hague, The Netherlands