



Original: **French**

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

Date: **26 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 Victim a/0110/08

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 Joseph Keta

**Victims Participation and Reparations
Section**

Fiona McKay

Registrar

Ms Silvana Arbia

Defence Support Section

Mr Didier Preira

THE REGISTRAR of the International Criminal Court;

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

NOTING rules 16(1)(b), 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 Pre-Trial Chamber I's 10 June 2008 *Decision on the 97 Applications for Participation at the Pre-Trial Stage of the Case*¹ granting Applicant a/0110/08 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 letter of Messrs Joseph Keta and Jean-Louis Gilissen (the Legal Representatives) dated 24 June 2008 entitled "*Déclaration d'indigence et demande d'aide judiciaire aux frais de la Cour pénale internationale – victime a/0110/08*",² to which was attached a declaration of indigence on his honour signed by Victim a/0110/08;

HEREBY DECIDES AS FOLLOWS:

CONSIDERING that Pre-Trial Chamber I granted the status of victim to the Applicant on 10 June 2008;³

CONSIDERING that since the Applicant is a minor, it can reasonably be assumed that he does not have the means to pay all or any of the costs associated with his legal representation;⁴

¹ ICC-01/04-01/07-578-Conf.

² VPRS-LA-2008-038(in).

³ ICC-01/04-01/07-578-Conf.

CONSIDERING, moreover, that the Legal Representative informed the Registry that the Applicant was currently unemployed and that, furthermore, he did not have a house or home of his own and that members of his family were supporting him;⁵

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

CONSIDERING that to facilitate the investigation into his indigence, the Applicant has freely authorised 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 his bank account;

FOR THESE REASONS,

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

DECIDES that the extent of the legal assistance to be granted to Victim a/0110/08 shall be determined on a case-by-case basis in accordance with the modalities for the participation of the Applicant as specified by the competent Chamber;

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

⁴ See also the Registrar's *Décision sur la demande d'aide judiciaire aux frais de la Cour déposée par la victime a/0105/06* dated 3 November 2008 (ICC-01/04-01/006-650).

⁵ VPRS-LA-2008-038 (in).

INFORMS the Applicant that he 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 Messrs Joseph Keta and Jean-Louis Gilissen in their capacity as Legal Representative of the Applicant.

[signed]

Silvana Arbia
Registrar

Dated this 26 June 2008

At The Hague, The Netherlands