



Original: **French**

No.: **ICC-02/05**
Date: **8 September 2008**

PRE-TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

Public Document

**Decision on the Indigence of Victims a/0015/06, a/0029/07, a/0036/07, a/0037/07 and
a/0038/07**

Source: The Registrar

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Legal Representatives of the Victims

Ms Wanda M. Akin
Mr Raymond M. Brown

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

Mr Xavier Jean Keïta

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), 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 the decision of Pre-Trial Chamber I of 14 December 2007 entitled *Corrigendum to Decision on the Applications for Participation in the Proceedings of Applicants a/0011/06 to a/0015/06, a/0021/06, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07*,¹ granting Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 the procedural status of victim at the investigation stage of the situation of Darfur, Sudan;

NOTING the letters from Ms Wanda M. Akin and Mr Raymond M. Brown (the Legal Representatives) of 15 May 2008 entitled "Situation in Darfur, Sudan - No. ICC-02/05 Request of Victims a/0011/06 to a/0013/06, a/0015/06, a/0023/07, a/0024/07, a/0026/07, a/0029/07, a/0036/07 to a/0038/07 for Legal Aid";²

NOTING the statements on the financial situation of Applicants a/0029/07, a/0036/07, a/0037/07 and a/0038/07 received by the Registry on 27 March 2007;

NOTING the Registrar's decision of 13 August 2008 entitled *Decision on the Indigence of Victims a/0011/06, a/0012/06, a/0013/06, a/0015/06, a/0023/07, a/0024/07, a/0026/07, a/0029/07, a/0036/07, a/0037/07 and a/0038/07* deciding at present not to consider Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 as indigent in the absence of (i) information relating to the financial situation, moveable and/or immoveable assets and number of dependants, if any, of Applicant a/0015/06; (ii) receipt by the Registry of a statement on their honour authorising the Registrar or

¹ ICC-02/05-111-Corr.

² VPRS-LA-2008-025(in).

her representative to make all necessary enquiries from, in particular, financial institutions and land registries and to have access to any bank accounts held by Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07;

NOTING the statements regarding the financial situation of Applicant a/0015/06 received by the Registry on 14 August 2008 and registered by the Registry on 18 August 2008;³

NOTING the statement on their honour signed by Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 received by the Registry on 14 August 2008 and registered by the Registry on 18 August 2008;⁴

ISSUES THE FOLLOWING DECISION

CONSIDERING that Pre-trial Chamber I granted victim status to the Applicants on 14 December 2007;⁵

CONSIDERING the information provided by Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 relating to their financial situation, moveable and/or immoveable assets and number of dependants, if any;

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, moreover, that Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 have freely authorised the Registrar *inter alia* to make all necessary enquiries from, in particular, financial institutions and land registries and to have access to any bank accounts held by them;

³ VPRS-LA-2008-074(in).

⁴ VPRS-LA-200-074(in).

⁵ ICC-02/05-111-Corr.

CONSIDERING that, accordingly, these applications should be accepted pending the outcome of the investigation into the Applicants' moveable and/or immoveable assets;

FOR THESE REASONS

DECIDES provisionally to consider Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 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;

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;

INVITES Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 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/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 that that they may apply to the Presidency for a review of this Decision within fifteen days of the date of its notification, pursuant to the provisions of regulation 85(4) of the *Regulations of the Court*;

NOTIFIES this Decision to Ms Wanda M. Akin and Mr Raymond M. Brown as Legal Representatives of Applicants a/0015/06, a/0029/07, a/0036/07, a/0037/07 and a/0038/07.

[signed]

Silvana Arbia
Registrar

Dated this 8 September 2008

At The Hague, The Netherlands